

## NEWINGTON TOWN PLAN AND ZONING COMMISSION

### Regular Meeting

June 22, 2011

Chairman David Pruett called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in the Town Council Chambers at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

### **I. ROLL CALL**

#### Commissioners Present

Commissioner Anest  
Commissioner Camerota  
Commissioner Casasanta  
Commissioner Hall  
Commissioner Pane  
Chairman Pruett  
Commissioner Schatz  
Commissioner Aieta  
Commissioner Lenares

#### Commissioners Absent

Commissioner Turco

#### Staff Present

Ed Meehan, Town Planner

Chairman Pruett: Before we start our meeting, I'd like to thank the public, one for adhering to the time limitations that makes the meeting go a lot smoother, and also for being very civil and respectful. It was a classy performance, worthy of a Newington High School video on civic responsibility. We've heard from a lot of people who have brought in key, critical information to this Commission and it is very much appreciated and that is what we need. Also, we have had many comments from people who love and appreciate the mountain, and that is understandable and we realize the passion that is exposed, or proclaimed by everyone. In order to facilitate more discussion amongst ourselves and the petitioner I'm requesting that new comments are welcome and that previous comments are all made part of the record. We have them on video, we also have recordings on that, so if you have new comments, they certainly will be most appreciated. Thank you.

### **II. PUBLIC HEARINGS**

- A. **Petition 09-11** – Toll Brothers, Inc. 53 Church Hill Road Newtown, CT 06460 applicant, Marcap LLC owner request Zone Map Amendment from CD Commercial Development District) to R-12 (Residential Use District for a 28.5 acre parcel adjacent to East Cedar Street Assessor Map 11-335.00A. Continued from June 8, 2001.

Chairman Pruett: Is the petitioner here? State your name and address for the record, please.

Tom Regan: Thank you Mr. Chairman. For the record, my name is Tom Regan, I'm an attorney with the law firm of Brown Rudnick, LLP, City Place One, Hartford, Connecticut. I'm here tonight on behalf of the applicant, Toll Brothers. We are here tonight requesting a zone map amendment from CD to R-12 for the 28.5 acre parcel on East Cedar Street owned by Marcap, LLC. We have already made a full presentation of our reasons for the zone change so in an effort to keep within the Chairman's comments of not reiterating our entire presentation, we are not going to do it over for a third time. I will just hit some of the highlights though. Our reason for requesting this zone change I think most articulately expressed by the property owner the first night is, we believe this is the most reasonable, responsible use of the property. The property is currently zoned commercial and in a minute I'll have Mr. Gradwell come up and just point out some of the differences between the proposed residential development and a proposed commercial development on the property. As the property owner stated the first night, they have looked at several commercial uses when they bought this property, there was a commercial application pending, they've come to Toll Brothers for a residential use because they believe it is the best use of the property, the least intensive use of the property, and it's the one that allows the property to develop most in harmony with its natural contours and also preserving the greatest amount of open space. The proposed concept plan that we filed with our application is for a 75 unit, town home community, very similar to Newington Ridge that preserves ten acres of the 28 acres as open space dedicated to the Town of Newington. The concept plan has been reduced from 111 units in the original concept plan when we first looked at this project a year and a half ago, so we scaled the project back, increased the open space by about thirty percent. We believe that this is the most responsible way to develop this property and preserve the greatest amount of open space. With that, I'd like to bring up our project engineer, Ray Gradwell just to walk you through some of the highlights of the residential versus commercial uses of this property.

Ray Gradwell: Thanks, once again, Ray Gradwell, BL Companies of 355 Research Parkway. I just want to put up one slide from the prior presentation and go through the highlights of this slide in comparison between the development, the zone change development that we are proposing here of residential and a commercial type development project that could be evolved on this site. Once again, we will start at the top here, impervious areas, a proposed residential development of this type, the impervious areas are much, much less than an allowable commercial type development, medical office type use. As you can see, 3.2 acres to 8.89 acres of impervious area surfaces, significant differences there from having residential development, small driveways, narrow roads versus large paved areas and wide driveways for a commercial type operation. As you go down the list here, we look at excavation, a large commercial type development requires a large parking area which requires large flat areas. A development of this size, on this size site commercially, you can expect forty foot cuts and nearly five hundred thousand cubic yards of rock that would be excavated to create a large rock pad for the building as well as the parking area around it, whereas if you compare that to a residential type of development, a town house type of development, those town houses and roads can be part of the plan, more appropriately. The roads can be shaped to the land, the retention ponds can be shaped to the land, homes and driveways can be shaped to the land more easily and much smaller footprints. The roads are much narrower, the buildings are much smaller, the driveways are much narrower. We are looking at town gradients. When you do a residential development you can usually run the grades and roads a little bit steeper. The grades and roads on a commercial development about six percent maximum per the regulations, where a commercial, or a residential type development you can run the grades at (inaudible) maximum. This allows you to contour with the terrain much easier, moving through the terrain and deeper excavation. When you look at impervious areas, you look at parking spaces. A commercial type development of this size that could be on this site are nearly 1200 parking spaces, where as compared to residential

type development, we are talking 200 or so parking, significant decrease in parking which is also important with respect to storm water, storm water management, storm water volume and storm water discharge. That's the next one, when you hit the next one, storm water quality. The quality of storm water is, it's reciprocal to the amount of water leaving the site. A larger commercial development has much, much more water leaving the site, due to a one inch storm (inaudible) in the State of Connecticut, 38,000 cubic feet versus a 25,000 cubic feet. The open space for this type of development nearly ten acres of open space, that could be proposed on a residential town house type development whereas there would be none proposed for a commercial type development on this project site, and then lastly the traffic generated by this type of development, the residential development generates much fewer peak hours trips, fifty to sixty peak a.m. and p.m. hour trips versus a large commercial development where you are talking 385 to 445 peak hour trips, significant differences with respect to traffic volume that could be developed by a project site that was developed commercial. So going down the list and reverberating the comments that Attorney Regan had said, the residential development town house type development, the contour of the land, it is much more responsible to the land than a development that would be allowed in that zone. Thank you.

Chairman Pruet: Thank you. Staff comments?

Ed Meehan: Thank you Mr. Chairman. The staff comments were entered at your May 25<sup>th</sup> hearing, I will not belabor those again. It's a policy decision based on your Plan of Conservation and Development, based on the strategies for this area of town, and the surrounding land uses including traffic generation at Cedar and Russell Road, also the Commission knows that the concept plan is not what you are acting on, you are acting on the policy decision of CD to R-12 zone. R-12 zone could permit a multi-family town house development by Special Exception. So while the applicant did their best to submit a concept plan showing how they feel this is less intensive to the terrain and the storm water information and the land coverage, the building and so forth, the Commission just really needs to look at this in a policy point of view and within the context of the Plan of Conservation and Development. The other thing I would add for the record, is that the protest petition that was submitted at your last hearing has been reviewed. There were four abutting protestors within the five hundred foot radius, and we have confirmed that all four of those own property and are of record on our assessment list, and this qualifies for the twenty percent protest. So if the Commission does expect to change this zone from CD to R-12, commercial to residential, in order to do that, you need a two-thirds vote, meaning five members have to vote in the affirmative to approve the zone change. This petition has been shared with the applicant. Thank you.

Chairman Pruet: I'd like to hear from all of the Commissioners and your additional thoughts on this petition.

Commissioner Lenares: Thank you Mr. Chairman. Again, thanks to everyone coming out tonight and taking this matter so seriously. I've listened to all of your comments, re-read some of the minutes, taken some of my own notes, although there are many factors that have to be considered when we reach our decision, and mine is not there yet, you know, I understand the passion that everybody has, and I appreciate the concern that they have over this matter and a decision that I'm going to make is going to be based on all of those factors and what is best for this town. Like our Planner had mentioned before, this is not a concept plan decision, but more or less a policy decision and that has to be considered. A lot of factors are important, that you have brought up over the past two meetings and I'm sure we will hear some more of them this evening. It just, I hope that the people give this Commission time to make a good decision for this town, of course, listening to what you have expressed

makes our decision a little bit more heartfelt obviously, so I appreciate that, and I look forward to compiling my opinion through the stuff that I have learned from you, from the attorney, through the developer, the petitioner and going forward. Thank you.

Chairman Pruet: Thank you. Any further comments?

Commissioner Anest: I too would like to thank everybody for coming out. I wish this could happen at every meeting, you know, for the Council, Conservation, TPZ. Everyone has given us some really good reasons for and against, and as David said, the passion is incredible. I haven't really made my decision either, and I feel the decision that I am going to make is going to be what I feel is right for the Town, today and for the future. I hope that everyone understands and accepts the decision that this Commission makes when it does vote and I hope that there is no adverse reaction either way. We want to do what is best for the town and I hope that everyone understands that. Thank you.

Chairman Pruet: Thank you.

Commissioner Schatz: In my absence, I had a chance to review all the minutes, had plenty of time to review them, was aware of all the comments that the audience made, I appreciate that. The only thing that I see in changing the zone, is that this doesn't appear to be any different than what was turned down before. I don't want to see a mining operation, and maybe I shouldn't be saying that at this time. I've gone over, and I appreciate everything you people are doing. I'm here tonight and will be here to vote on this issue.

Commissioner Camerota: I too appreciate all of the comments both by the petitioner and the public, they have been very helpful to me. I missed the last meeting, but I read all of the comments, and I will go back and review them. I haven't made my decision either, I will review the comments by the public and the petitioner, all of the points, some to consider and some to not, and the Commission will work (inaudible) and will appreciate your consideration (inaudible.)

Commissioner Hall: The decision before us on some levels seems to be a simple one. We have a petitioner who has come before us to ask for a change to what already exists. Our decision is going to be one of two things, to leave the parcel zoned the way that it is currently, which is commercial, or to allow a change of zone, which would result in an R-12 which is a residential zone. We appreciate everybody coming out and telling us how much they love the mountain, we all love the mountain. The fact remains that the petition is for a change of zone. That is what we have to consider, and we are not doing it lightly. We are taking into consideration everything we hear, everything we know, everything historically that we have known about this parcel through the years. Many of this have sat on this Commission and have heard other petitions, others of us have lived in town our whole lives and know that mountain well. Many of us, meaning Newington residents never realized that it was privately owned. They always thought somehow that the town owned it. Just because it was there doesn't mean that it is an extension of the town itself. That is privately owned property. The decision before us is not easy because whatever decision we make will be for the foreseeable future. We're taking into consideration everything that we have heard, and everything that we know, so we appreciate what you have done, but you have to understand what our dilemma is, and that is to make a decision for thirty thousand people and there aren't that many of us up here and we are the ones making that decision. Thank you.

Chairman Pruet: Thank you. Any further remarks from Commissioners?

Commissioner Pane: Thank you Mr. Chairman. I'd like to state for the record that I went and I sat down at the old Lowe's building, which is down by the change of the, the interchange there where 15 and Cedar Street are, and I watched the traffic for about fifteen or twenty minutes there and then I traveled up Cedar Street and I sat right next to Kenny Kelly's building there which would be the approximate entrance or approximate light location for a future light. I sat there because some residents told me that they didn't like the light because they thought that Cedar Street would be unsafe there because of the hill. I looked towards Newington center and I didn't see a problem. It was the flattest of the area of Cedar Street. I looked down toward the Berlin Turnpike, and that too, somebody told me, well, what if they were going uphill, the traffic was going uphill during the winter time, they might not be able to get up the hill and like I said, that is the flattest area, and I think the State did the job. That is the best place for a light location. I also took a hike on the property, I wish I hadn't, I was covered with ticks. Very difficult piece of property to develop. The outcroppings and the ridge there, very difficult piece of property to develop. There are two very important factors that this Commission is going to have to come up with, and I think one is the traffic, the safety of the traffic in that area, and I think I have come to the conclusion that in this corridor no matter what is developed in that area whether it is the Marcap piece, the Balf piece, or the Hunter piece, I think a traffic light is going to be needed on Cedar Street to control traffic, to make Russell Road and Cedar Street safe. The second thing would be the impact of the development, the Marcap piece, whether it is commercial or residential, and that is what we have to take into consideration. There is a, there is some of this property that has to be protected. There are ridge lines and there are slopes over twenty five percent and over fifty percent that have to be protected according to our regulations along with wetlands and so on, so the footprint for the Marcap property should be determined by this Commission on what area is developable, whether it is a commercial property, commercial development or residential, the area, there is only a certain size area that can be impacted because of the terrain there, so I think this Commission has to look at that, and I want to thank all of the public for coming out and that's all I have Mr. Chairman, thank you very much.

Chairman Pruet: Thank you.

Commissioner Casasanta: I don't want to belabor this, I pretty much agree with just about everything that my fellow Commissioners said, so I just want to be reassure the folks who have come out to speak that we have been listening and that we will take a very thoughtful approach when we come to making a decision. We will weigh the pros and cons of the petition, and we will do our due diligence in making a decision. I just wanted to assure the public of that, thank you.

Commissioner Aieta: I would just like to postpone my comments until I have the opportunity to get all of the input and also there is some information that still has to be obtained from the applicant and questions that staff has brought that have to be answered as well as questions and comments from the Town of Wethersfield. Until the public is finished commenting and we get the information from the applicant that we need, I would keep my comments until we have all of the information. Thank you.

Chairman Pruet: Thank you.

Commissioner Anest: Ed, I have a question. Is it possible for you to provide to us the history of the zoning on the mountain? Could we get why some of the zone changes, why did they change?

Ed Meehan: I can go back in the records, research, when the Commission makes a decision, they have to state the reasons on the record, so I can track that back through the various

TPZ minutes. It may be reflective of past Plans of Conservation and Development that go back to 1975 and then 1984 and I can provide that information to you.

Commissioner Anest: I think that would help us, thank you.

Chairman Pruet: Okay, further comments? As Chairman, my job is to make sure that the rules and regulations are being followed along with the Town Planner's input, and also serve as facilitator, not to give my opinion to sway either way, but to get everybody talking and see if we can reach a consensus on this very important issue, so having said that, at this time, we will have public participation. Persons wishing to speak in favor of this petition have two minutes, anyone wishing to speak in favor, at this time. Okay, seeing none, persons wishing....

Chairman Pruet: Why don't you go to the podium Mr. Cohen, state your name and address and then you comments.

Stanley Cohen, 1 North Point, Avon, Connecticut. I have owned property in Newington since the sixties, and I still do, and thank you Mr. Chairman, Members of the Commission, Mr. Meehan and Newington taxpayers. Because we don't get up and repeat our statements doesn't mean that we have changed our minds. We still feel that this is a great development for the town, to end up with fifty acres of open space, to end up with a parking lot, a hiking trail, and to have a great developer like Toll build in the town is just a plus for the town. There will not be a large impact to the schools and safety and it is just a positive all of the way around and for the town not to take advantage of this opportunity is just mind boggling. The commercial development which many people think we would never be able to get will eventually be here is this doesn't happen and we do intend to proceed, no matter what happens to proceed further to protect our development, but we feel honestly that this would be the best thing for the town to do.

Chairman Pruet: Thank you Mr. Cohen. Any persons wishing to speak against this petition have three minutes and we will go down the list.

Joseph Blais, 97 Reservoir Road, Newington: I used to be a traffic investigator for the Department of Transportation so I took it upon myself to go up to the Traffic Department on the Berlin Turnpike. I talked to a traffic engineer over there, not realizing that there has been a State Traffic Commission Certificate issued for that commercial development up there and he gave me a few pointers regarding what the plan is going to look like. They have major road improvements to do, along with signal lights. Now he said there was something about cost sharing but if the cost sharing does not come through then the residential development according to him will exit onto Russell Road. Now with the improvements on the off-ramp coming from 5 and 15 south, at the end, on Cedar Street, there will be an island where restrictions will be imposed where there will be no left turn. All of the traffic will have to go right. Now if the residential development, or if the zoning application says that the residential development will go, then they will either have to go left on Russell Road, and down Arrow to the turnpike, which I'm sure Wethersfield would not like too much. If they should have to come out Russell Road onto Cedar Street, the island that is going to be built there will restrict left turn only. So all of the traffic that comes off of that residential development will have to go right, down to the bottom, turn around and come back. It is my feeling that you will have nothing but a traffic hazard here. It will be a nightmare, so I would ask the TPZ to deny this zone change application. Thank you.

Tim Sullivan, New England Regional Carpenters, 2 North Plains Drive: Ladies and Gentlemen of the Commission, Thanks for allowing me the opportunity to speak on behalf of

the members that I represent, the hard working folks that could not be here this evening. It's totally (inaudible) for us to speak against a proposed project. Unfortunately with the zone change application there will be long term ramifications. Ultimately this proposal contradicts specific articles of the 2011 Newington Plan of Conservation and Development. Hopefully counsel has advised the Commission that this would not be allowed in this way. The long term effects in Newington are not limited to ridge line derogation of strata and loss of a huge percentage of miniscule open space as stated goals in the Plan of Conservation and Development is very problematic. The Planning and Zoning Commission has the obligation to reject proposals that do not comply with the Plan of Conservation and Development. Will this zone change affect the value of this land? It shouldn't even be entertained at this time. We can hope that the other boards and town commissions also take a responsible course on this as it properly comes before them. The planning for open space conservation obviously needs to be addressed and the Plan needs to be reconciled. The (inaudible) for evaluation needs to be done after this application is rejected and you know, I heard comments about Toll Brothers being a great builder and I would you ask that you please take a look at the statute and the stop work orders and see how many of these stop work orders have been generated on Toll Brothers sites as a violation of either workman's compensation or failure to pay withholding taxes. I appreciate your time and thank you for your consideration.

Ralph Testa, 82 Willard Avenue, Newington: I haven't been involved in this fight at all, but I have been involved in zoning changes over thirty-five years and I have been the victim of zone changes in my back yard, having it zoned commercial. Anybody who knows where 82 Willard is, it's the house just before Crazy Bruce's, a big fence. My back yard is not really my back yard, I'm waiting for them to put in a machine shop. That's what happens when zones get changed in this town. The young lady who is interested in the history of why a zone is changed, you don't want to hear too much about it. I was there when we decided to build a building higher than two stories in this town. I was there when a lot of other things happened. I was peripherally involved in politics from 1975 to about 1985 at which time I decided that thirty-six years of government service was enough for this town. I saw Elm Hill School disappear, I saw Center School, in violation of the will of the person who left it to the town turn into a commercial property, I see fifth grade, ten year old students in middle school with our teenagers. This is not what is going to happen to this town and make it great. You cannot add seventy five houses here and a hundred and forty there, and have school buses running up and down all state highways and expect a standard of living that we used to have here. It's not a matter of the mountain, actually I've never been on the mountain in my life, I just know that we see the streets and the state highways, a lot of problems, it's always had a lot of problems. I spent a lot of happy hours at Charlie Lowe's machine shop there, I watched the trucks back out of Russell Road into the loading bay, I walked the property, and I'm familiar with the other commercial property that are attached there, along with the Humane Society and the other factory that is up there. The place is not ideal for anything, but it was purchased as a piece of commercial property, and you are going to get into a hornet's nest if you change it to a residential piece. Blasting is going to go on, you are going to have complaints all over, and as the gentleman from the carpenter's union pointed out, Toll Brothers is not exactly the most upright record in the building industry. You can go over to where our drive in cinema used to be and you can see their work, and if you drive around that, and you think it's beautiful, then go for it, but as far as I'm concerned, I live in a 1859 mansion, and I prefer not to have that type of housing at the other end of town. Thank you.

Holly Harlow, 11 Edmund Street, Newington: I would like to thank the Commission for all of the time that they have taken so far on this application to do the best for the town. I would like to say that Mr. Meehan's comments regarding a conceptual plan for this piece of property in the same way that they are conceptual and not what they are absolutely going to be

constructing on that parcel should the zoning change. The picture of the commercial development that was explained by Mr. Gradwell is conceptual as well, and it kind of sounded like the worst case scenario and I think that the Commission at that time, should an application come for a commercial development before you, you would have the purview to review that and determine what is appropriate to be build there, not the worst case scenario would be. Having said that, I don't see how the zone change benefits the town. As stated before is the most obvious reason is that our 2020 Plan of Conservation and Development states to discourage, quote, any change from industrial, commercial and business zoned land to residential. You spent a real long time and a lot of thought and effort went into constructing that plan, including that statement, so I would urge the Commission, I know that you remember that too, this is not new, and you don't need me to tell you that but I wanted to say that out loud, that our plan does specify that and there are other reasons why this zone change should not be. It has to do with the area that it is. It's a commercial development that is already up there. Most of what is around that area is non-residential. The Hunter property has already been approved that is directly adjacent to the Marcap property. The Gospel Hall and the health club and the upholstery shop and Jensen machine, all commercial properties surrounding this area, so the consistency of the land use does say commercial. The traffic is always a problem. There are differences between commercial and residential. The landscaping on that property, with the flatlands and the (inaudible) will always be an issue. I just want to finish by saying, I don't support the zone change, I would like consideration of the 2020 Plan to be paramount, and thank you very much.

Arlene DelDonna, 17 Westgate Circle, Newington: I have lived here thirty years and I have not followed everything that you people have done, up to this point in time, but I would like to speak in opposition to this zone change. In fact, I would like to speak in opposition to the total package deal. The reason for this is, today's editorial in the Hartford Courant told me things I didn't know. Number one that it seems that this is going to push on regardless of what the people wanted. Number two, it also said that this parcel is worth approximately eight hundred million dollars, and they didn't think that anyone would come up with that kind of money. Well, it seems to me that a town that would spend more than one million dollars to put down artificial turf in a field for youngsters to play on is a lot of money. Eight hundred million dollars is not. I would propose that we could assess every family in this town a hundred dollars a family this year, a hundred dollars a family next year, I also would expect we could get some people from the University of Connecticut to apply for grants. There are so many environmental areas that are so willing to give money to preserve this kind of nature, this kind of land, that is not available in too many places. With those things in mind, I definitely speak in opposition to this application, but also in opposition to selling this property to anybody but the citizens of Newington.

Chairman Pruet: Just a correction, I think that was eight million, just for the record.

Sheldon Todar, 75 Brockett Street: I've lived in the town approximately forty-nine, going on fifty years, and have enjoyed my living here. I was fortunate during the sixties and into the seventies to be a town plan commissioner also, similar to you. During that period of time, in the southeast corner of the town, bordered by Back Lane there was a proposal for a development. Unfortunately it was only served by Back Lane and it was the consensus among the Commissioners that you could never get a fire engine in there with only one approach if there happened to be an accident or some other impending problem that needed a fire engine to come in, and inasmuch as not only the assets of the homes, but the lives of the individuals who might move into that area, was involved, we turned down the application. Not once, not twice, but three times while I was on the Commission. It was subsequently approved, I can't tell you why. Now I find a parallelism between Back Lane and Russell Road. I've been in a line of traffic going south on the Berlin Turnpike, held up before the exit



into Cedar Street and held up as far as Arrow Road. Now you would have to tell me how you would get a fire engine through that kind of back up. The back up that extended almost to Arrow Road, sometimes that far. If that is the condition that you have, then you people have to weigh the lives of the people who are either going to be in residence or commercial, it doesn't make too much difference if somebody is injured or loses his life whether it's in a commercial establishment or a residential establishment. Thank you for your time.

Carol Wojtowicz, 50 Brookdale Avenue, Newington: I would like to bring up a few things and some we have already talked about, but I think they should be of concern and contemplation. The first we have already mentioned, is the overburden of our currently strained infrastructure, the second is the contradiction to the town plan, which is, I believe, considered our master plan, which mentions more than once open space preservation, with specific reference to Cedar Mountain and to avoid zone changes. Last week the appearance of spot zone change that this application brings forth, the definition taken from the Cornell University Law School states, "changing the zoning restrictions for a specific piece of land, but not the surrounding parcels, courts may find it illegal if it violates the general plan, our master plan and allows development that is different from the current surrounding uses or appears to favor an individual property owner to the detriment of the public." Since the mountain is predominately zoned commercial it appears one of the factors of spot zoning has come to light. I'm not sure if Marcap bought this property to build their own company, or was it an investment property to turn over to the highest bidder. If so, the second part of the definition I believe addresses this question. In summary, I ask the TPZ to take into consideration the aforementioned factors. The overburdening of our already strained infrastructure, the contradiction of our master plan, and the characteristics of the appearance of spot zone change, and just for the record, when it comes to tax benefits commercial is a little bit more.

Rick Spring, 47 Deepwood Drive, Newington: Mr. Chairman, Commissioners, thank you for letting us speak this evening. I don't want to repeat myself, I tried to come up with a list of ten bullet items, I'll start with number one. I only came up with nine, but Newington's commercial property inventory is running low and we need to maintain the current zoning as it is beneficial to the town's tax revenue. Remember, the Chairman of the town's Economic Development Commission has expressed his concern about this. I've heard statements that indicate the commercial development will cause more traffic than residential. I think that depends on what type of commercial development takes place. For example, if you put a self storage facility up there, there would be very little traffic at all. The tax benefits of a commercially zoned area outweigh those of a residential area. Commercial properties are basically more comparable to the town, willing to benefit more from a commercially zoned area. The 2020 Plan shows the Old Highway, greenway, as an historic site. Why do we allow this to be paved over for an access road to Marcap property? Having a residential development next to the proposed Shoppes on Cedar commercial site where a wetlands separates the two is a recipe for irreversible detrimental effects to a wetland that is between the two sites. Safety of the children that would live in the proposed town house development would be compromised with commercial properties on two sides of the development. I ask you to consider all of the residential developments that are going on in this town. I've said this before, and it's something very dear to me. I've driven around town, I've looked at, I've counted all of the new developments going on, there's a lot going on, so when you consider this, please consider all that you have approved, the Morningside Condominiums, Deming Farms and the Veterans Hospital. I also urge you to use the 2020 Plan in making this decision. Please use that plan. In mixed zones, I don't believe are desirable from the community's perspective. Lastly I want to leave you with a quote from the Town of Stonington's plan. In the town of Stonington, Connecticut, eighty-five percent of responders supported the idea the town should more actively seek high value, low impact business

development that would provide significant tax revenue while requiring few town services. I believe if you poll the residents of Newington they would feel the same way. Thank you.

Ryan Jordan, 22 Burwood Road, Wethersfield: I'm speaking in opposition to the zone change. First, I would like to mention the wild life. If any development happens on this property, wild life will be killed. There is no doubt about it. Building of any kind will result in the death of some animals. Their habitats will be lost, and they will be killed either in the process or as a result of it. I would also like to speak on behalf of the wild life. They can't speak, they can't be here, but they are residents of Newington and their voices should be heard. They don't want their homes taken away. They know that their space is limited as it is. They don't want to crowd into a remaining donation of however many acres. It doesn't work that way. If eminent domain took over my house, I would not move across the street to my neighbor's house. Consider the animals, because they are telling you, in their way that they do not want this developed. Specifically in regards to a zone change, to residential, we don't need any more houses in Newington. There is not a shortage of houses in Newington. As you are well aware, Newington is 92 percent developed. There is not a shortage of available houses in Newington. People are not scrambling for new houses in Newington. People are not waiting in line to buy a house in Newington. There is no need for it. Destroying a forest and fields for the sake of houses that are not needed would be a waste. It is a way for the development company to make money. They are not interested in Newington and what we need or what we care about. They are interested in making a dollar. Obviously this is a zone change issue. That being said, approving the zone change to residential would promote development in Newington. That is something that we don't need. We don't need more traffic, as I said, we don't need more houses. Because we are 92 percent developed, we definitely don't need any more development, and the effects of any development could pose a real problem. Just to give you an example of one of the many problems that could result, as a result of development, is a deer accident. I saw a deer on the Marcap property a few weeks ago, running straight towards brush that is the direction of Healthtrax Fitness and Wellness, an area that would be paved over and built upon if this zone change were to pass. According to the National Highway Safety Traffic Administration, there are about 1.5 million car accidents with deer each year that result that in one billion dollars in vehicle damage, about 150 human fatalities and over ten thousand person injuries. We don't need a deer accident on Cedar Street and one would certainly be possible with the loss of habitat incurred by residential development. Deer would run into the street and with a busy five p.m. rush hour, one deer could cause one accident with devastating consequences. I will close by saying in response to something that Commissioner Anest brought up about doing what is best for the town in the future, what is best for a town with 92 percent development and in a world of increasing development and environmental strain, with land disappearing at an alarming and incredibly fast rate, the best use and the most progressive and forward thinking, not backward thinking, use for the town, is to preserve a natural resource that exists no where else and save it for future generations. Thank you.

Elizabeth Solak, P.O. Box 310881, Newington: Thank you for your time. I lived in this town for many years, I grew up on the mountain, I grew up on Crestview Drive, Webster Court, Brookside Road. I was up on the mountain last night, saw a red fox. I take my dog up there to run all of the time. I think we have over developed this town, we lost the Hartford Drive-In and all of those buildings look like they are falling onto the Berlin Turnpike and to develop the mountain is going to take away from what this town started as, it was just a nice little town. We've already lost a few farms, we've managed to save Eddy Farm, we managed to save Young Farm and I think that the mountain that belongs to the people of Newington even though none of us knew that it didn't belong to us, and we don't pay the property tax on it, Jensen was there forever, and Cedar Street used to go straight up by the old Children's Hospital, and everybody made it, but now if you come down Cedar Street, or go up it, the

speed limit says thirty-five and people are doing sixty-five and we are going to end up with more problems, just like that gentleman before me said. You know, deer will run across, wild life will run across, accidents are going to happen. We need that mountain. We need to keep the land safe, and keep the town the way that it started and originated because that way our younger people might have a better appreciation of the land. I just think that Newington, and I'm not the brightest bulb on the tree, and I'm not a political person, but I've seen the mountain and the animals on the mountain, I've seen coyote up there, the deer that run, rabbits, chipmunks, and they are going to all be out of their houses and they wonder why they are coming into residential sections because we are taking their home. So, I'm right behind that gentleman that spoke before me, and for everybody that grew up in this town, this is our mountain, and we need to save that mountain. The Humane Society is there, but you can still hear the dogs when you are on Mountain Road, you can hear them barking, and they can't speak, like that young man just said, the animals can't speak, so that's all I have to say.

Marilyn Miller, 2 Buck Street, Newington: It was very nice hearing your comments, thank you very much. I put down a bullet list of things that I think will help you make a decision and hopefully this will help you. You need to know the true net buildable area of the 28.5 acres. Could this be a soil based zone issue? I heard in this room that state soil samples of this area concluded that the soil was not appropriate for construction. There were 74 condos and 146 single family homes sold in 2010 as per the assessor's site, on the web site. On propertywhale.com today I looked and there are currently 165 condos and single family homes for sale in Newington. You do the math, do we need an additional 70, 75 give or take to add to the current for sale list. Petition 38-06 denied a zone change in 12-20-2006. The Commission at that time found that impacts of site grading and rock removal, 775 thousand cubic yards was not incidental. Inland Wetlands permit not approved among other things that did not comply with the Plan of Development. One year later Mr. Cohen bought this parcel and I'm sure he was aware of these findings, but even if he was not, it's no concern of ours. We don't need to bail him out. There have been two, and now three attempts by Toll Brothers to request a zone classification change. I know that they withdrew two times so that they could keep coming back until you denied this petition, and they have to wait a whole year before coming back. Just do it, give us a chance to save this area for what we want and need in this 92 percent developed town. It's not business as usual any more. There are watch dogs paying attention to what this Commission and other Commissions are doing before it's too late. I don't think it's too late, we're paying attention now. You have a chance at a great legacy, take a chance, I promise you, you will not be sorry. We will back you up. You need the report from the Inland Wetland's people, but I don't know what has changed from the 2006 petition that was denied. You need to hear more from Toll Brothers to be convinced that they use porous asphalt and infiltration systems and economical storm water management. You need to consider the cost to us, the taxpayers if they do a lousy job. Commissioner Aieta was right last meeting when he said we're not getting enough information from the applicant. That fact alone should get a denial from you all. You need to find out if the 28.5 acres is part of a 1949 donated land to be used as open space for CCMC and what right did Larry Gold have to sell this parcel to Mr. Cohen? The title search needs to be in depth. The Town Manager and Planning Manager team needs to be supplied with graphs of the cost benefit ratios. I searched the internet and there is a lot of software that is cheap to get and to get this information, the actual cost to us would be astronomical if you do not do your homework. You need to find the value enhancement to this town if there is any, or even intangible benefits for changing the zone from commercial to residential. Traffic issues have been mentioned often, but I do not feel commercial is such a bad idea over residential because I for one, will not be traveling near this development, and I think there are a few others in this room that will say the same. What is the return benefit for this town? Is it a financial gain or cost savings? The fabric, the most important are the risks to this community to allow this zone change, destruction of the trap rock ridge, damage to our

homes, water drainage issues, the fabric of our community will change negatively and please deny this petition for the same reasons that everyone has spoken of and other items that people with much more knowledge than I have presented to you. Welcome Wethersfield to disclose the risk and benefits of this zone change, be mavericks, do it, thank you.

Lee Bradley, 24 East Cedar Street, Newington: I will be brief, please forgive me from reading from my notes. I have lived here for about thirty years. I think it is important for people like me just to stand up and say something, perhaps add one new idea. I mean, I'm not a public speaker, most of us aren't. I've gone to the first two of these meetings and I have taken notes and wondered if I would ever stand up and say anything, and then tonight I decided to say some little thing, to add one new idea perhaps. I'm a runner, perhaps you have seen me running around town. I've run up on the mountain many times. I love it up there. I have written a couple of articles to the Hartford Courant, a couple of articles to the Save Cedar Mountain web site and I have followed this whole story for the past six months, mostly on the facebook site. It's very interesting to read what people are writing and saying and the pictures that are being shown. I am very much in favor of the idea of the town buying the land from the owners. I find this issue has brought the town together and is an important moment in our history. It's crystal clear to me that a vast majority of this town is against this zoning change application that is pending. Thank you.

David Tatem, 29 Camp Avenue, Newington: I would like to thank the Commission for all the time and effort that you have put into this and for bearing with us even though we have the same points but I feel it is important to add my voice. I'll try not to repeat myself on what I have said previously. The presentation by the applicant makes the claim that it is not suitable for commercial development. That may be so, but it clearly is not suitable for residential development either. Of course, all of these claims are purely hypothetical. We have a worst case scenario commercial, what about a well thought out commercial development versus a poorly thought out residential development. I don't believe the difference would be quite as stark as what we are being told. The estimate of traffic has come up again. They estimate less than one trip per house, I think that is absurd, personally. I can't see that it can be less than one trip a house during rush hour, so I can't put any weight for those numbers. The parcel is surrounded mainly by commercial which has been mentioned over and over again. The Shoppes at Cedar Street going in right next door, it clearly deserves to stay as a commercial area, surrounded, except for the Balf property, surrounded by commercial areas. Any residential development would increase taxes due to the increase in school costs, school building renovations, teachers, support staff, transportation and all of the town services that go along with residential development. I'm very concerned about that. If this issue is based on what is best for the town, it shouldn't be too difficult. Clearly, no development would be best, we know that might not be possible, but because of the taxes and the other issues that will strain the already stretched town services, and will destroy one of the last undeveloped parcels in town, I think that this zone change should be denied. One of the Commissioners mentioned earlier that there was still more information to come, and wanted to withhold his comments. I appreciate that, that you want to hear everything, but if there is more information to come, I would hope that these public hearings stay open so that the public has a chance to see that information as well. Thank you.

Sandy Lallier, 27 Elton Drive, Newington: I'd like to thank the last speaker for asking that you keep the public hearings open for whatever more information there is presented to the public. I definitely think we need to have some more information on both sides of this issue. I am not for selling the mountain, but I realize tonight that we don't really have a say, there are other people who own it, and in this day and age, I can't blame them for wanting to make a buck, however, preserving the character of Newington I think should be one of the first concerns and considerations of the people who own the property and for the people on the board here

and our Town Council to consider purchasing the mountain. I have no idea of what, hopefully I will hear what kind of price tag that would entail, but it seems to me that I've heard the last few years, I've been in this town for over twenty years and part of the charm was the open space that was still here in Newington and I have seen it rapidly in the last few years, disappear. It's now in the hands of a few people who want to make some money off of it. Well, we need more information from anybody who is going to try to develop it, I don't think Toll Brothers would be knocking on our door so loudly if there wasn't something good in there for them, so I think it behooves them to give us every bit of information in a timely manner before a decision is made. If there is any way that the people of Newington can purchase this, I hope that is considered and presented to us, so that every citizen can consider if they actually want to try to dig into their pockets and preserve this piece of land. Newington is open for business, that's all I have heard for the last few years, open for business, open for business, and now it seems that it is up for sale. It's up for sale, and there is nothing that is going to be left. It really is a shame. Hopefully, these meetings will remain open until all the information is put on the table and the people who own the property will consider preserving a piece of Newington for future generations, not just making a quick buck. Thank you.

Allyson Clarke, 420 Cypress Road, Newington: The petitioner stated that at the end of our presentation that we're not giving any reasons why this zone change should not happen, so I'm just going to piggy back on Mr. Meehan's staff advisory to you. There are three directives when making a zone change decision, number one, look to the guidelines of the town plan, which recommend land uses and density and zone change approval. Number two, become familiar with existing land uses and potential future uses and number three, consider physical characteristics of the property to determine if the new district is suitable in respect to environmental features such as wetlands, topography, utility services. With regard to his first point, we have stated that the TPZ should look to the town plan, we stated that repeatedly. We have said that the Town Plan of Conservation and Development opposed zone changes from industrial, commercial and business zones to residential. The Plan states that Cedar Mountain should be preserved from development, not once, not twice, but six times, (inaudible) ridge lines and steep slope protection. The Plan also identifies the Marcap property as one of the gateways to Newington. The Plan suggests that you look to the Capital Region Council of Governments, corridor studies of Route 175 and Route 5 and 15 as a guide to long term land use and traffic management. The studies show that the location of Russell Road onto Old Highway. I have to note here that both of the Toll Brothers plans take the Old Highway and turn it into their own private road. Why are we giving the 2003 greenway known as Old Highway to them on a silver platter? Let them make their own road, leave Old Highway and the open space corridor along. The Plan contains numerous references to Cedar Mountain. I commend you on how well the plan was written, you obviously gave it a lot of thought and I can't help but think however when you wrote the plan you knew Toll Brothers were coming back. Your challenge now as a TPZ is to stick to your guns. It's interesting that Cedar Mountain is very important to the Town Council too. They also made a power point presentation in 2009 about the mountain. I especially like the aerial photographs showing Cedar Mountain as the last green oasis in the urban sprawl between Hartford, Wethersfield and Newington. Mr. Meehan's second suggestion to consider potential future use, if you recall the abutters list presented last time, of eighteen abutters on the list within five hundred feet, only two of those abutters are residential uses. Sixteen are commercial. Commercial development was recently approved on the adjacent Hunter property. The Marcap property was zoned commercial when they purchased it, it should remain commercial. This is a high traffic, high visibility location most conducive to commercial use. Mr. Meehan's third directive, that the TPZ should consider the suitability of the characteristics to determine if it is suitable with respect to all of the other features. To that extent, commercial use is less of a burden on town services and causes less impact to traffic at peak drive times. Residential uses are a greater risk to inland wetlands. Revenue is

significantly higher with commercial use, and with regard to the petitioner's comments, I just want to say, I went to the hospital last week, to the medical office building on the Silas Deane Highway, there is a 45,000 square foot building with 188 parking spaces, I did count them. If you put three of those buildings on Marcap, you would need 600 parking spaces, so when you look at their comparison for three medical office buildings, I don't see how they need 1200 cars. I think that their comparison was extreme, but again, worst case scenario, they are home builders, not commercial builders, I don't think they should be considered experts as such when it comes to comparing commercial and residential buildings. Please do not use their comparison. Thank you.

Brian Skibo, 63 Stoddard Avenue, Newington: I've been coming here from day one, since I heard about the Cedar Mountain possibility of being destroyed, and I've witnessed people from Newington, Wethersfield here and there is not one person that wants this to happen. Why, because we care, and to see this ruined would be obviously devastating and what everybody has spoke here tonight about the traffic, about the animals, everything that was mentioned here tonight, is from our hearts, because we care. Having to buy the property, have the town buy the property, I don't know, there is no money, they are saying there is no money, what I'm saying, the town has no money, well why are we taking Market Square, some of you guys haven't heard of this, wait till you hear this, taking Market Square and you are going to cut down all the trees on Market Square and widen the sidewalks, for what? Is this New York City? Well, maybe it is New York City because we are building like crazy and I've gone down that street any time of day or night and I have never seen any people walking, I don't understand, but we are spending millions of dollars to cut down all of the trees and widen all of the sidewalks, I don't know, doesn't sound like a good plan to me, but, there is some money that we could have used for something like this. I'll wrap this up, anybody here for the Cedar Mountain, I'm sure they don't want this to happen, and right now everybody is going to stand up and give a round of applause for you guys up here because we know that you are going to do right.

Commissioner Pane: That's enough. By the way, we don't decide how money is spent. Go to the Town Council, they spend the money, okay?

Chairman Pruet: Are there any more public speakers?

Myra Cohen, 42 Jeffrey Lane, Member of the Town Council: I'm speaking on behalf of myself, the speakers tonight had some wonderful information, I have nothing to add to it, I think they did an excellent job of why we should keep Cedar Mountain as it is. I do have one question, in the event that we did grant the zone change, in the case, could Toll Brothers, or anyone else, would they have the right then to petition for any kind of a, forget the concept plan that has been provided, could anyone, Toll Brothers or anyone else, then petition for a subdivision plan and be their right, and would we then need another public hearing, or it would be their right to come in with a subdivision plan and the public would no longer have a right to comment on that plan? That is my question. I also make the comment that it is very unfortunate that we only seem to react to a threat rather than to think far enough ahead, and unfortunately this all came up after the Council was done with this year's budget. Keep watching the Council, I hope.

Chairman Pruet: Ed, can you help?

Ed Meehan: If this was changed to R-12, residential, the property owner then has the right to submit a subdivision plan to meet the standards of the R-12 lots which is 12,000 feet, eighty feet frontage. If they can comply with the standards it's basically an administrative decision because it is a use permitted by right. The practice in Newington though is to have hearings

on all subdivisions so the public would have an opportunity to comment on an R-12 subdivision.

Myra Cohen: Thank you.

Rose Lyons, 46 Elton Drive, Newington: First of all I wanted to thank you for making sure that the sound system is working tonight, and we have a little bit better view of what the plans are for the property. In the beginning, Mr. Cohen stood up in favor of the proposal which is only natural. He made a statement that he has owned property in this town for several years. Well, so have all of us in this room, probably some more than he has owned property in this town. I would ask that when you consider the application, that you think about the tax implications, the individual tax (inaudible.) I for one am a retired senior citizen living on a fixed income. If you change the zone from commercial to residential what is the impact going to be on my taxes as far as services that we are going to have to provide for those who are going to be living in these town houses, fire, police, schools, and most of all maintenance of the gift of the open space. As I said before, we were gifted property in the municipal parking lot and we paid the price for that a couple of years ago. I still don't know what the logistics are as far as this gift and in the beginning Mr. Cohen mentioned something about fifty acres of property. I think that this particular application is for his piece of property only, and I don't think the fifty acres is on that site. Mr. Cohen bought it as a commercial piece of property, let it remain as it is, that is my opinion. What you decide is up to you, but I have to commend you on your due diligence, to keep these hearings open so that everyone has a voice in what they feel to be best for the town. Mr. Cohen owns the property, has the right to do what he wants to do on it, but you also have the right to deny the application. As for the traffic on Cedar Street, I have never sat at either end of Cedar Street other than in my car in traffic over the last twenty years of having traveled that road four times a day. I worked at 66 Cedar Street, came into work, went home for lunch, came back and went home. It made no difference whether I went left or I went right, I was only a mile away, but it would take me quite a long time, probably longer to get out onto Cedar Street than it took me to get home, so in closing, I would like to thank everyone that has come out here. I heard comments made that this audience has been the rudest and most disrespectful audience that a person had seen in seventeen years. I think it's the most informed and passionate group that I have seen in sixty-six years. Thank you.

Gail Bedreko, Isabelle Terrace: I see no benefit to the town if any of these petitions are approved. The proposals will have only cost to the town, and loss to the town. First the costs, these trophy homes, to be built at the pinnacle of the mountain in the long run will cost more in services than any tax revenue generated. There will be more children in the schools and increased need for police and fire protection, an increased demand for social services, road maintenance leaf and refuse collections just to name a few. There will be cost for police, fire and ambulance personnel responding to fender benders and accidents resulting from the increased traffic on the already strained Route 175 corridor between the turnpike and Route 9. There will be costs passed onto the town from the residents in the existing neighborhoods at the base of the mountain as they seek restitution, and we will, for damages from storm water and drainage problems, damage from blasting, and problems resulting from displaced wildlife. The beauty and presence of an undeveloped Cedar Mountain is an intangible reflected in our property values. Development of the mountain over time will cost us in diminished property values and diminished residential appeal of the town. Let's talk now about the loss. If the mountain is developed we lose an important environmental buffer between the turnpike and the center of town. If the petitions are approved, we lose up to four percent of our remaining precious open space, leaving us with only four percent. A sorry figure compared to neighboring towns such as Rocky Hill or Berlin who have substantially more open space. We lose an important recreation site. Cedar Mountain should remain as

Newington's back yard, open to everyone. The proposed development will turn the mountain into a private playground and back yard for a restricted limited number of households who will own homes on the mountain. More importantly however, we lose our identity and our history. Newington's past is linked to two important landmarks, Mill Pond Falls and Cedar Mountain. We celebrate the falls every year with a festival, yet here we're talking about handing over the mountain for development. A few weeks ago a supporter of the petitions for this proposal said that at most 500 people a year enjoy the mountain. I disagree. You don't have to hike the mountain to enjoy it. The mountain is enjoyed every day by those of us who walk into our yards and look up at the mountain. Its beauty is appreciated by everyone who drives through town, and by residents of the surrounding towns of New Britain, West Hartford, who see an oasis of green in the midst of urban sprawl. This issue has galvanized the residents of Newington in a way that we haven't seen in quite a while. People who have come to speak have lived here twenty years, thirty years, fifty years. We chose to stay here for many reasons and one of them is the natural beauty of the mountain that looks over us. Please look at your 2020 Plan, our 2020 Plan as well as considering our sentiments when making this decision. Thank you.

Chairman Pruet: Other remarks from the public?

Harry Abery, 18 Dalewood Drive, Newington: I've heard all kind of negative comments about the Toll development. You asked if there was one person here or any persons here wanted to speak for it. Mr. Cohen here spoke for it. Out of all these people one person spoke up. I'll say to you what I said the last time. What does it take for you to get it? You must know by now with the hearings that you had that we're all against it, but I go away from every meeting thinking, gee I think these people are all for Toll Brothers. They are not representing the town, they are not representing the people of Newington, why? What does it take to get to you? I would suggest that you vote, in fact, you ought to vote right now in front of us, each one of you stand up and vote, give your name so we know who you are, but you don't do that. We have to wait until we read it in the morning paper.

Chairman Pruet: Sir, we address this all in public, we vote in public, you are entirely wrong, and your comments are out of line.

Harry Abery: The comments are out of line, when the gentleman, last two times wanted to speak about the deficiencies in the way Toll Brothers operate, you said that had no meaning, it wasn't relevant to the.....

Commissioner Pane: We're a land body use, we don't control things like that, the quality of the building, that's something else. We have state agencies in the state that take care of that.

Harry Abery: Then you're trying to say you don't care about.....

Audience: Let him speak.

Commissioner Pane: I want to tell you something. You can't speak from the audience, excuse me, you have to wait until you come up to the podium and state your name.

Harry Abery: I stated my name.

Commissioner Pane: Okay, go ahead, finish what you have to say.



Harry Abery: You people don't get it. Of all these people here, I don't know how many, of all these people here, has anybody spoken for it except Mr. Cohen, and he lives in Avon, and his mountain is Avon mountain, not Cedar Mountain. Stop and think about that a little bit. Why do I go away always thinking these guys are all for Toll Brothers. I read in the paper this morning that a couple of you, two or three of you are going to leave town right after you vote. That sends a message to us too. You're going to vote and then you are going to blow town. You don't want to be here anymore. Why would people who are not going to live in Newington want to decide for all of us who live here, and intend to live here, you make the decisions and then you go away. I don't think any of you would dare to get up right now and somebody make a motion to vote, and vote in front of all of us, would you?

Chairman Pruet: We have our procedures, sir and.....

Harry Abery: Oh yeah, you have your procedures, right, we'll read about it in the morning paper.

Chairman Pruet: No, you'll see it right here.

Harry Abery: Yeah, right.

Chairman Pruet: Like it is always done.

Harry Abery: You tell us when.....

Commissioner Pane: Will you finish your comments, please finish your comments.

Harry Abery: Okay, my comment is, you are not listening to any of us, you call it a hearing, you hear what we say, but you disregard everything that we say. People say thank you for listening to us, but you're not, so I won't thank you.

Ellen Shiller, 84 Settlers Knoll, Newington: Good evening, my main feelings on this whole project is the cost to the town in services. I don't know if any of you have been in any of the schools lately, especially with the Board of Education problems over the last year when they were thinking of cutting teachers and the classroom size is huge as it is. I've been in the schools, I've seen it, and if you add more town houses to this town, you are going to have to add another school or add onto the schools that we now have. It will cost us more money. Not only that, in fire and police, but the education will suffer. The education of our students now is a major importance. Please do not look at this, keep Toll Brothers out of our town. Thank you very much and have a good evening.

Nancy Bysiewicz, 24 South Plum Road, Middletown: My concern here, I own property in Newington, I own two homes on Brentwood Road, the area which is going to be the most impacted by this zone change. Traffic wise, if traffic comes out onto Cedar Street it goes down Cedar Street, down Hawley Street, onto Brentwood Road, down Connecticut Avenue to avoid the center of Newington. We have that traffic problem now. We don't have to add to it. Marcap, or whatever their name is, has a white elephant, that they are trying to unload on the Town of Newington. The town doesn't need this. The taxpayers, the residents don't want it. Find a way to stop the zone change and for them not to build commercially and consider open space which is at four percent. That is a very poor percentage. I myself presently live in Middletown, I have 45 acres which right now is up for open space in Middletown. It's one of the last open spaces available. The townspeople are willing to bond this, which I'm a tax payer and I'm willing to do it. Buy the property back rather than have a white elephant unloaded on us. Thank you.

Bernadette Conway, 177 Hartford Avenue, Newington: I wasn't going to speak this evening, because everybody has been so eloquent. I've come before you many, many times over the years and I'm just so glad to hear such a wide range of new faces, different people coming with different reasons. You know I'm against the zone change and I just felt I had to speak up, with all due respect, I find that you have always listened to everything that citizens have said, you have been very thoughtful through the whole process that you took a lot of extra time that you didn't have to do on the whole town plan. You met an hour before your regular meeting, to take that time, I appreciate all of that, it was very thoughtful and useful and I just wanted to speak up for them, and let everybody here know that you are going to take the time that you need on this very important decision and I appreciate it, thank you.

Chairman Pruet: We definitely appreciate your comments, thank you. Any other comments from the public?

Gennaro Martorelli: Mr. Chairman, Members of the Commission, Ladies and Gentlemen, I spoke at the first hearing, and I would just like to make a couple of comments. For those people, whether this zone change is granted or not granted, I would like to make it clear that this property certainly has the ability to be developed. (inaudible) are allowed in every zone in town, and there has never been a proposal to touch the west side face of the mountain that faces everybody in town and certainly the developers have the capability to come in tomorrow while this meeting is still being conducted and apply to develop hay fields. This is a sophisticated group of people who own this property. For those people who say the town should purchase the property we applaud you for the ideology of saying, this should be open space and the Town should man up and do what is best right here. Whether the zone is changed or not changed, or if we are halfway through the process, Toll is halfway through the process, the Town can approach us at any time, and Toll is a reasonable group and the development group is a reasonable group, we're open to talking to the town about this if there is a political will at any time, but for those who think that, whether they are on city council, or in the public that think that they can just stop development on this property by denying the zone change, completely incorrect. If the town wants open space, Toll happens to buy it, it's approved, you will have some open space. That's your only guarantee. Thank you very much.

Chairman Pruet: Anybody else from the public wishing to speak at this time?

Jeff Downes, 27 Saw Mill Crossing, Wethersfield: Good evening. My first comment is directed to the Commissioner about your traffic study. Usually they have the highway department come up there, set some lines, count some cars, you know, do that kind of sort of thing instead of a mere visual. I don't think it qualifies to do an independent traffic study. Commissioner (inaudible) on board too? He's not here any more, okay, I'll save that comment. Commissioner Casasanta, moving out of town? Should step down, no vote. As far as some of these people thinking that they are, develop a nice office park. We'd go for that. But until you decide to erect such a facility, we might buy the property. We may be able to. You talk to Wethersfield, you can talk to Newington, the people may go for that. What concerns me about these developers is that in the Wethersfield Life it stated that we might build town houses. Well, when you say might, it means anything, so when you approve this zone change, because it sounds like you are going to, you haven't listened to a lot of these people yet, this is three hearings already, all bets are off. And this town is going to hold you all responsible for that. If you are expecting that if you build it they will come down and beautify your Blueback Market square and turn it into something like West Hartford, wrong clientele, wrong clientele whatsoever. Not going to happen in Newington. This town wasn't brought up on money, it was brought up on hard work. Thank you.

Ellen Thiebault, 101 Hartford Avenue, Newington, I wasn't going to speak tonight, but I just wanted to get up here and say thank you for listening to all of us and I'm sure that you have an open mind and you are taking these comments to heart. I just wanted to tell you a little story. I take my pets to the Hartford Veterinary, on the Berlin Turnpike and I was there last week, and one of the employees was telling me how their new residential development neighbors, coincidentally Toll Brothers, Hartford Drive-In, which is, one building, Prospect Street and then that condo association, they have had a lot of complaints about the dogs barking at the Vet Hospital. There is a lot of traffic on the Berlin Turnpike that should mask any sort of dog barking, the Humane Society being within five hundred feet, of this proposed zone change, development, to the R-12, I'm sure that there will be a lot of complaints from those residents about the dogs barking at the Humane Society which will generate traffic, then the police department will get a phone call and then them having to go out to the Humane Society to investigate the complaint and I don't think that is really fair to the Humane Society which would be one of my reasons not to change the zone from commercial to residential. Thank you.

Ed Horn, 35 Crestview Drive, Newington: I just want to say that I think that the Commissioners are getting a bad rap here. I don't really think they're, just because they are silent doesn't mean they're against our, opposing this zone change. I don't read it that way, and I just thought I'd say that. Thank you.

Gail LeChance, 37 Goodale Drive, Newington: I know I've spoken before and I don't really have anything new to say, but I do want to thank you for your time that you are putting into this, and I know that you are listening. I hope you can, hopefully reject the plan for the re-zoning for residential, and maybe make it easier somehow for the people to save the mountain and keep it the way that it is, thank you.

Deborah DiBella, 518 Main Street, Newington: I've been a resident for over fifty years, and I am wholeheartedly against the development of Cedar Mountain. I believe that we are all placed on this earth with many charges, one of which is to be caretakers of our environment. Someone once said that life is God's gift to us, and what we do with it, is our gift to Him. I hardly think that asphalt, concrete, blasting and displacement of wild life is a fitting gift. In addition, if I were a commission member I would not want my resume of life to read, was responsible for the destruction of a unique treasure. So I respectfully ask that when you are in the process of making your decision, please examine your conscience and vote with your heart. Thank you.

Chairman Pruet: Other comments? Rebuttal by the applicant limited to five minutes if the applicant wishes to address.....

Tom Regan: Thank you Mr. Chairman. Before I start my final words, I did want to clarify the comments earlier on about additional information. I believe the additional information that was quoted was not for this application but in fact a portion of the following two applications which is the open space subdivision on the abutting property. Mr. Mehan's long lengthy comments and Mr. Gillespie's long lengthy comments go to that application not, in fact to this application. This is a legislative decision of the Commission. I don't believe that there is any additional information required for this application. Mr. Meehan, could you comment?

Ed Meehan: You are correct Attorney Regan, I submitted my comments on Petition 09-11 dated May 25<sup>th</sup>, and the other lengthy comments that you refer to are Petitions 12 and 13 which is the open space subdivision. Commission members did ask me to provide information tonight on the history as far as past zone changes. With, through the Chair, if that

is appropriate I will do that, I want to make sure that that is not a problem if we close this hearing.

Tom Regan: It's not problem, I have no, factual history on the zone change through staff is certainly permitted.

Ed Meehan: Thank you.

Tom Regan: Thank you Mr. Chairman, and I too, on behalf of the petitioner want to thank the Commission for its time and effort. This has been a lengthy proceeding. I was struck by several commissioner comments at the beginning of the hearing. Commissioner Hall talked about the fact that many people didn't realize that the mountain was not owned by the Town of Newington, it was in fact privately owned and I think that these proceedings have highlighted that fact. When you look at the past history of this property and the past zoning applications that have occurred on this property, you will see many denials of multi family housing, of commercial uses and Commissioner Schatz put on his historian hat in reference to quote, unquote mining operations that had been the past applications and therein lies the difficulty in this decision for this Commission. One of the opponents of the project on the first night made the statement that the Commission's goals are to balance the rights of private property owners with the public good, and I think this is a statement to which both sides agree. Your task is not an easy one here. Mr. Gradwell is an experienced project engineer. He does not work for Toll Brothers, he works for BL Companies. He has designed commercial projects of all shapes and sizes around Connecticut, probably around most of the 161 municipalities. When he talks about the design of a commercial project for this site, it would be very difficult. Commissioner Pane's comments, having walked the site, that is a difficult site to build on, is a correct one, and the property owners have recognized that. That is the reason for the zone change here. I recognize the comments that are in the Town's Plan of Development and I, we were very cognizant of those, in fact, we withdrew our last application to give you time to complete that, and it does give deference to the underlined zone, and that's appropriate in zoning, but it also lists specific characteristics that any development of this property should include, working with the topography, working with the existing contours, protecting as much of the natural resources of the property as possible. That is very difficult to do in any kind of a commercial development. When people talk about a well laid out office park, any well laid out office park, whether it be straight offices or medical offices which is probably the most appropriate use and given the current commercial real estate market the most likely use of this property should it remain commercial, those will all necessitate greater cut and fill, more parking, larger flat spaces for larger buildings. It's just a reality of development. So, the question and the challenge I think for this Commission is not as the property owners have said tonight, it's not development versus no development, because that is not an issue here. It's private property, and private property owners have some right to reasonable expectation and reasonable development of their property. The question is, if you assume there will be some type of reasonable development, is it better that it be a reasonable residential development which will allow working with existing contours, working with topography, designing the project that fits the property in it's natural condition best, preserves the most open space, or is it the current commercial which could be much more disruptive which the Commission could have much less control over, if somebody comes in with an as of right development and that's really the policy decision that this Commission is faced with. In absence of the property being bought and preserved as open space which is a separate question than what is before you, Commissioner Pane is correct in pointing out that is a separate process for a separate body. The question that is before you, simply stated, what is the best way for the private property owners to realize a reasonable expectation of their use of the property? Is it as a commercial development as it is currently zoned or is it as a residential development which will allow a better use of what is a difficult

property? That is the decision that this Commission has to come up with. It's not an easy one, and I thank you on behalf of the petitioners for your time and your thoughtfulness on this. You have been very respectful to us and to the audience, listened to everything, I know that you will take it all into consideration. Thank you.

Chairman Pruet: Thank you. Rebuttal by the opposition limited to five minutes. Anybody wish to rebut?

Holly Harlow, 11 Edmund Street, Newington: I'm not a building professional in any way, I'm a citizen, and this might be a very simplistic view, but the property was purchased as commercial property as was mentioned tonight with all of the characteristics known, or perhaps unknown, but that shouldn't be our burden. It's a difficult project to develop, I guess that's the way it remains, and that is the way it was purchased. I don't think that entitles the applicant to a zone change just because it's difficult. Thanks.

Pam Geibel, 20 Edmund St., Newington: I thank you all for your attention. I did just have a thought, and again, not knowing that much regarding development, if it was purchased as a commercial, which is as it was zoned when they did purchase it, understanding at that time that the contours of the mountain have not changed, it then was difficult to build, as it is now, still difficult to develop. If you go ahead and approve the zone change, so that it can then be more easily developed as a residential area, would that not make it easier for the mountain to be developed? If you vote against the zone change and it retains its difficulty in development, that would tend to hinder development of the mountain, therefore giving the citizens of Newington and the Town Council an opportunity to look towards funding, to look toward environmental groups that would benefit and want to retain it as an open mountain, would give the Town of Newington an opportunity to talk to its citizens regarding increasing tax structures toward purchase of the mountain, so please vote against the zoning change, thereby retaining its difficulty as far as development and allowing the town time and the energy and the resources to look toward possibly purchasing that very difficult developed area. Thank you.

Joseph Blaise, 97 Reservoir Road, Newington: Now if they were to have to develop this by, as a commercial development they would have to go through the State Traffic Commission because it would be what we call a major traffic generator. Now that would entail a numerous amount of road work, possibly signals, control of traffic, I don't think it would be worth it to them. I think the cost would be beyond what they could afford. Thank you.

Bruce Winchell, 48 Tinsmith Crossing, Wethersfield: I live right across the street from this proposed development. I've been here right from the git-go, and I appreciate your time and efforts, it's not an easy job and it's been very frustrating at times for all of us and I just wanted to comment, because I thought that this might be the last hearing. I would put on your hearts that you don't close the hearings yet, this last lady that just spoke before this last gentlemen she basically said what I wanted to do, what I wanted to say, and as far as Attorney Regan's comments concerning any plan of commercial development has to meet certain specifications as well as residential, so just because a commercial development is going to come in, doesn't mean that the place is going to be stripped. It's going to have to abide by certain standards, so I would like to have you keep that in mind as well. I do live right across the street, and I just wanted to say, if this front piece gets turned into residential, it's going to be more attractive to the other section, the Balf section, that is going to be taken care of next I believe. The petitions that we are going to be handling next after this one particular petition is closed. If this is allowed to be turned over to residential it is definitely giving Toll the opportunity to want this second piece. If they keep it commercial, in the front, why would

somebody who is going to be paying four hundred thousand dollars for a house want a piece of commercial in front of them. Thank you for your time.

Chairman Pruet: Thank you. At this time, I'd like to see what the consensus of the Commission is on this petition. We've had three public hearings....

Commissioner Hall: We have listened to the public and they have come before us with some very important information and we have listened. Part of our frustration also is that we do have to sit here and listen. That's why it is called a hearing. We're listening. It is only after we close the petition are we able to discuss among ourselves, to go over all of the information, to filter what we need to filter and to eventually come to a decision. It is only after we close it. I think at this point we have had three hearings, we have kept it open, and at this point I would propose that we close the hearing so that we can start to do our job.

Commissioner Schatz: What the public doesn't realize is that we have heard you, loud and clear. The only problem that I might have is that some of you people who spoke, left early, we hear you, I've lived in this town a long time myself, like some of the other gentlemen, and I think we close it, and let's get down to what we are going to decide.

Commissioner Casasanta: I agree with both Commissioners Hall and Schatz. I think we have had three public hearings on this, and I think it is time that we were given the opportunity to discuss this among ourselves and I would be in favor of closing this.

Commissioner Anest: I concur with that as well, but I just want everyone to realize that we are only closing the Petition on the zone change. It has nothing to do with the other two petitions that we are going to be talking about after we have this discussion right now, so don't be upset that we are closing this particular petition. We have listened to you, we've taken notes, we have everything that you have said in the minutes, the last two meetings, plus this meeting, and we are really going to take our time, and like I said earlier, we are going to make our decision that we feel that is right for the town now, and for the future.

Commissioner Camerota: I concur with closing the petition on the zone change only tonight, we've had three public hearings, I don't think there is anything that we need, or the Town Planner needs either from the public or the petitioner. This will allow us, once it is closed to get to discussions among ourselves and get to a vote, and the only time that we can vote is when it is closed.

Commissioner Hall: I also want the public to know that that doesn't mean that we are going to vote tonight. We're going to close it tonight, and then we can have several sessions in the following weeks that we meet where we will be discussing it, we will not come to a conclusion tonight. We will close it tonight, and this will be carried on, among the Commissioners for several meeting.

Commissioner Lenares: Since we are going around the Commission here, I too am in favor of closing this tonight. I would not have been in favor of closing it after two, there were some rumblings that the Commission was going to close the hearings after two of the hearings. We said from the get-go that we would have three and I think we held up to our end of the deal, listened to all of you. I really appreciate the fact that some of you guys stepped up here and said that you appreciate what we are doing on our end by listening to you. It's unfortunate that the one or two people who accuse us of not listening, are not actually here. They chose to leave early, and I commend you people for sticking here with us and listening to our comments so we can make a decision.

Chairman Pruet: I echo the comments of Commissioner Lenares. Anybody else? I think it is the consensus of the Commission to close the public hearing and move it forward to Old Business.

- B. Petition 12-11 – Toll Brothers, 53 Church Hill Road Newtown, CT 06460 applicant, Balf Company owner request approval for open space subdivision development, 71 lots single family homes, 73.7 acres for property north of Old Highway and west of Russell Road, Assessor's Map Block Lot No. 11/329/000, R-20 Residential Zone District. Continued from June 8, 2011.**
- C. Petition 13-11 – Toll Brothers, 53 Church Hill Road Newtown, CT 06460 applicant, Balf Company owner request for Special Permit Section 6.8 Zoning Regulations for open space subdivision, 71 lots single family homes 73.7 acres for property north of Old Highway and west of Russell Road, Assessor's Map Block Lot No. 11/329/000 R-20 Residential Zone District. Continued from June 8, 2011.**

Chairman Pruet: Thank you. Is the petitioner here? Would you state your name and address for the record?

Tom Regan: For the record, my name is Tom Regan, I'm an attorney with the law firm of Brown, Rudnick, LLP, City Place One, Hartford, Connecticut, here on behalf of the petitioner, Toll Brothers. The two petitions before you are for an open space subdivision and a site plan under the Newington Zoning regs. The current property is currently zoned R-20 and we are proposing a residential development. At the last meeting we tabled our presentation because we had just received staff comments from both Mr. Meehan as well as Mr. Gillespie, and we were taking those into account. We had met with staff several times and we've revised the plans to incorporate the changes and Mr. Gradwell is going to walk everybody through the various changes that we have made to the plan. I do just want to comment briefly on the open space subdivision and its purpose. This property is currently zoned R-20, which means that the property owner has the right to come in and do a conventional subdivision. The purpose of the open space subdivision is to allow the property to be developed more in context with the actual layout of the property itself and I think that is something that when Mr. Gradwell presents his plan you are going to see how, after Mr. Meehan's comments that has become even more clear. So the project that we are here for tonight is an open space subdivision application under that section, to allow us to develop the property that could be developed as a straight subdivision but to do it in a way that preserves as much of the open space and character of the property. One of the points that Mr. Gradwell will make tonight is that we have reduced the size of the project by several lots and we have increased the open space component of the project by an additional six and a half acres, so the current open space is now 44 acres of the site, so the public space has increased from 37 to 44 acres that will be dedicated to the town as open space as part of this project. With that I will turn the presentation over to Mr. Gradwell.

Ray Gradwell: Thanks, Attorney Regan. Once again, Ray Gradwell with BL Companies at 355 Research Parkway in Meriden, Connecticut. Let me flip to the slide. As we all know, the parcel is approximately 73 acres. It's on Russell Road, Old Highway is on the south, and we've prepared a plan for subdivision on this site. The site is very rectangular, Cedar trap rock ridge line, wetlands, wetlands, and a small wetland. The plan that was proposed originally was for 71 lots, four roads, road A, B, C, and D, wetland, wetland, wetland, and five detention ponds. One, two, three on Russell and then two in the back. A pump station located in back for the MDC water supply for this project site. In discussions with town staff,

reviewing town staff comments we've since met with town staff, last week Ed, or the week before, to review comments and go over some suggestions to improve the plan, and hopefully move a little bit further along. What we have done here is to remove lots off of the end of Road A. Those lots were in an area of fifteen percent slope or more, so we have removed seven lots. We have a total of sixty-four lots now. We've moved the development down slope towards Russell Road. We've moved this road towards Russell Road. We've increased the open space as Mr. Regan said, by approximately six or seven acres so we're a total of forty-four acres of open space which includes the trap rock ridge line, which includes the large wetland here, the large central wetland here, will all be part of that open space. Roads A and B were shortened. Road A runs all the way up here, that was shortened by about sixty feet. Road B was shortened by about ninety feet. The earth work that has been proposed for this Road A would have a cut through this area, we don't have to do that any more. So the earth work for this project will be much more in contour with the lay of the land. The largest excavation in this area will be eliminated. The detention pond that was located in this area, off of the end of Road A has been moved upslope to the edge of Road A. Storm water management will be handled exactly the same way we were proposing before, with five ponds. We have three ponds located on Russell Road and two ponds located in the back to control the storm water to peak rates that would be prior to development. The storm water treatment will be proposed by the same exact principals that we were proposing before in accordance with the Connecticut Department of Environmental Protection Storm Water Quality Manual and the Connecticut Department of Environmental Protection (inaudible) manual and the Connecticut Department of Transportation Highway Design Manual, along with the Town of Newington's drainage manual, so there are five or six manuals that this design has been vetted through. Our ponds are located here, we have pipes outside out ponds, we have hydrodynamic separators, that separate solids and flowables and we have deep sump catch basins within the roads that will have hooded outlets on those catch basins so our best manual practices are well above and beyond the minimum required by the State of Connecticut. In discussion with the Town Engineer, Anthony Ferraro, we are also proposing a wetland mitigation area located in this central area of the site. That was not part of the original proposal, we are proposing that now. The new plan as seen here has pushed all of the lots along Road A and Road B are outside of the regulated area for the wetlands. The wetland regulated area is located here, it's a hundred foot buffer along that, all those lots will be outside that hundred foot buffer. So in summary, meeting with the staff we were prepared to address your concerns in regards to that fifteen percent issue that Mr. Meehan had pointed out to us, that large crescent shaped fifteen percent slope area, we pushed all of the development outside of that fifteen percent area, to avoid any of the steep slopes. Furthermore, we had the opportunity to talk to the Town of Wethersfield today, and we will be meeting with them in the next week or so, to discuss this plan with them, repeating your comments to them and to go over any significant issues that they might have in regards to this proposal. In conclusion, we are going to work a little further on this plan, we don't expect you to act on this plan tonight, we're going to do a little more engineering, a little more research on this plan and get these plans into the Town of Newington so that they can review, the town engineering staff and the town planning staff, a little bit further, but we just wanted to present this to you, as an option that we are proposing now, look a little bit further, try a little harder and to move a little further down the road, and any feedback or any questions from a Commission member that you may have at this moment.

Chairman Pruet: Thank you. Before I turn it over to Ed for comments, I've heard a lot of concerns about drainage, runoff, drainage pipes, people who are below the mountain, in the Brentwood area. What can you say to me that safeguards the drainage?

Ray Gradwell: You are talking about this area?



Chairman Pruett: Yes.

Ray Gradwell: And further west?

Chairman Pruett: Yes.

Ray Gradwell: The ridge line acts as a buffer for that drainage, you see this ridge line is a very prominent buffer for any drainage that would be running across the ridge line and impacting the neighborhood below. That ridge line will be protected. The forty-four acres will include that ridge line and will include this linear wetland in the center of the site. Storm water that will be running off of the site into these detention ponds, a detention pond here and a detention pond here, will be very minimal. This Road A, the drainage area will be tributary to this pond, is roughly this area right here, a very, very small drainage area. The drainage area to this large pond is a very, very small drainage area. It's roughly this area here, so those drains are very, very small so the volume of water that would run off of those roads, goes to the properties would be very, very small as compared to the volume run off that is running east to Russell Road where drainage systems are actually in place.

Chairman Pruett: Thank you. Ed, staff comments?

Ed Meehan: Thank you Mr. Chairman. The Town Engineer and I met with BL Companies last week and with Mr. Rossi from Toll Brothers and went over staff comments. Initially this is what they brought to us to address some of our staff comments. I think it is headed in the right direction. The changes that we suggested are fairly significant because of our desire and direction of the regulations to reduce impact on slopes over fifteen percent, so the changes to the road, pending on cul-de-sac A as pointed out, is certainly heading in the right way. Couple of comments, we will continue to make ourselves available to work on the technical aspects of this, and am I looking at the pump station at the north and west corner?

Ray Gradwell: Mr. Meehan is correct, the pump station was moved roughly here, you can see it in the red, below, to the northeast portion of the site. That was one of your concerns, was the location of the pump station with regards to the open space, so we chose to move it to the northeast corner of the site, easily accessible from Russell Road, easily accessible to the development.

Ed Meehan: I'm glad to see that out of the open space. I think we need to work again, closely with the engineer on this in the sense of review and critique. The ending of cul-de-sac known as Road D there are some steep slopes there, they are up on the north side, is that D there, up where that little notch is, I think you tried to work around the steep slope there, we need to look at the grading plan for that area, and see what the impact is on the slope there, another significant staff comment that needs to be further analyzed and studied is the opportunity to have public accessible trails from the public roads into this open spaces, whether it is Russell Road or these road endings, and the last thing that I will comment on is that it appears that by pulling these roads back off of Old Highway, the impact on the fifty foot natural buffer of the greenway seems to be preserved so I'll keep my eye on that also.

Ray Gradwell: You are correct Mr. Meehan. We pushed the end of the cul-de-sacs, we pushed them north a little further, had a buffer along that greenway corridor. We also, I forgot to mention Mr. Meehan, we also aligned this road with the CCROG recommendations for that future road.

Chairman Pruett: Ed, are you confident that the fifteen percent slope have been corrected?

Ed Meehan: I believe that they are, except that one, road B, right there where the pointer is, we need to look at that some more. Those lots were, I think, one lot was thirty thousand square feet, in there, you can see how that grades out, the whole thrust of our staff report is to work with the contours of the land and don't force the grades where you have a fifteen percent slope and our standard is a ten percent road so you're cutting five percent just going in, so work with the slope.

Chairman Pruet: It also would be easier to identify if we had names for these streets, I think we requested that instead of A, B, it would be easier to ask questions and identify that, if you could do that for our future presentations and meetings.

Ray Gradwell: Mr. Chairman, we'll look into the names of the streets.

Chairman Pruet: Commissioner comments?

Commissioner Aieta: Have you looked at this plan as a straight R-20? A subdivision without the open space, using this footprint, how many houses do you have on this layout here?

Ray Gradwell: This layout here Commissioner Aieta, is sixty-four.

Commissioner Aieta: And what is the average lot size?

Ray Gradwell: The minimum lot size is 12,000 per the R-12 requirement, the average lot size is probably around 18 to 20 thousand. It's a little bit above minimum.

Commissioner Aieta: You have some lots, because of the topography you have to have them larger than 20,000 square feet. I've seen some that were a little more than 12,000, but if we look at this plan as a straight R-20, using this footprint, how many houses would you be able to get in there as a straight R-20 zone?

Ray Gradwell: We haven't looked at using this area, this buildable area that we are talking about right now, and laying R-20, 20,000 square foot minimum lot area, as a subdivision. We could look at that and present that to you.

Commissioner Aieta: I would like to know the number of houses, I think what we define by this plan here is this buildable area for the subdivision, some caveats that we still have some areas to look at for the fifteen percent slope, so I would like to know what we could get on a straight R-20 subdivision without asking for a special permit for an open space subdivision.

Commissioner Pane: I agree with the Town Planner that at the end of Road B, I'd like to look at that a little bit more, and then I would also like to know a tree cutting plan, if you could give us what is going to be clear cut or what attempt will be made to keep some trees in between if possible, for this development, and I'm not expecting this tonight. Thank you Mr. Chairman.

Chairman Pruet: Further comments by Commissioners? Hearing none.....

Ed Meehan: Excuse me Mr. Chairman, I'm going to say this, maybe Attorney Regan was going to say this, but we do have an extension, for the record.

Tom Regan: Yeah, just to be clear, I have already given Mr. Meehan a letter extending the time period for this public hearing for sixty-five days and there is a simple reason for that. Last night I extended the Wetlands hearing for sixty-five days in order to allow the Wetlands

Commission to have the Connecticut Environmental Review Team come in and look at the project. That is going to take us thirty days, and then thirty days to respond. I need to have the two hearings run concurrently because I may have to make changes based on wetland comments that will adhere to changes in this, so I've already taken the liberty of giving Mr. Meehan a continuation of sixty-five days so you are under no time constraints on this hearing.

Chairman Pruet: Good, that makes a lot of sense. Okay, at this time, this is a public hearing. Anyone from the public wishing to speak in favor of this petition? You are allowed two minutes. Anybody from the public wishing to speak against Petition will have three minutes.

Myra Cohen, 42 Jeffrey Lane, Newington: Member of the Town Council but speaking for myself. At the Conservation Commission, discussing the wetlands issue, there was a discussion about the vernal ponds, 1700 square feet, is still open, without all of the information in, for discussion, and it's not on the map and no one talks about it, absolutely nothing there. What happened? It just disappeared.

Chairman Pruet: I think that was explained, that he needs more time to discuss that. The attorney will address that.

Tom Regan: Two points, first of all, vernal pools are not the subject of this Commission's jurisdiction, it's the subject of Inland Wetlands jurisdiction, and secondly one of the reasons that we extended that period of time is because our percolologist and our natural resources expert had not been able to complete their vernal pool study because, we get very strange growing seasons in Connecticut, especially when it snows in March and April, tends to thaw later, so they are completing their work and will report back to the Wetlands Commission in July. But that is part of our ongoing study of the wetlands, who has proper jurisdiction of the vernal pools.

Chairman Pruet: Thank you. Anyone speaking in opposition?

Rick Spring, 47 Deepwood Drive, Newington: Last night the Conservation Commission learned that this is going to be a homeowners association, this project right here. Are they going to be responsible for enforcing all kinds of things like what fertilizers you buy, what pesticides you use, how you wash your car, that kind of stuff. I really don't think that makes any sense at all, but again, who is going to be the environmental cop up there just watching over this stuff. One would think that if that is the plan, there would be incorporation papers of the proposed homeowners and would be part of the application. These papers should be part of the application for the exhibits. Without them, I would argue that this application is incomplete. Again, it's nice that they extended this sixty-five days, that's great, but the report that we have all been waiting for, the CERT review is what we have been waiting for as well. I also wanted to mention that that CERT review I'm hoping that the Marcap project is part of that. Again, I know that this is not a Conservation Commission meeting, but I'm bringing these things up. The other thing is, I know Wethersfield asked for a cut/fill ratio and I haven't heard any mention of that anywhere, any numbers, anything like that. Has that been supplied, I don't know. Also I was wondering if the Toll Brothers engineers could produce the following figures for us, the estimated total tonnage of trap rock excavated, the estimated total tonnage of trap rock sold, or whatever they are going to do with it, the estimated total dollar value of the trap rock sold, and if it's not sold, what are you going to do with it. I know they will use some of it to fill, there is no doubt about that, but I would think that they are going to be excavating more than they are going to be filling based on what I have seen so far. There is going to be common property I guess with this development as well. I'm not sure if the Town is responsible for maintaining that, or the home owners association, that's

something I'm a little confused on. This plan shows storm water retention ponds, and the question that I have is, will these things be fenced in? I mean, you have little kids running around and stuff, what happens if a kid happens to drown in one, who is responsible for that? Is that a home owners association liability? Is that what that is, or is that a town liability? I know that drainage from these ponds, we've been told will go into a wetlands and they are hydrostatic, or hydrodynamic separators will only clean up around eighty percent of the pollutants, so twenty percent will be dumped in the wetlands. That's unacceptable as far as I'm concerned, but again, this isn't a Conservation Commission meeting, I just want you to be aware of that as well. I think that is about all I have, oh yeah, one other thing. I would like, the open space that he keeps talking about, I would like to see some numbers like, what is the total contiguous acreage, what total of the acreage is ridge line, what total acreage is unbuildable due to grade, and what total of that acreage is unbuildable due to wetlands and water courses. One more thing, the engineer stated that see that, that long green swath there, the ridge line is to the far left, the long green swath is a watercourse. The ridge line is not a buffer because it does not protect, it does not protect the water flow from flowing down to my neighborhood. It will flow right down that watercourse and it will probably end up, I'm thinking down by Dowd Street, is that correct? I think that is where it is going to end up. Again, I think that statement is incorrect. The ridge line is not going to stop water flow. The water is going to take its natural course right down that watercourse.

Chairman Pruet: The petitioner will answer that in rebuttal.

Ellen Shiller, 84 Settlers Knoll, Newington: I have concerns, really horrible concerns about how many homes are being built, and how many children are going to be in our public school system, and how are the services of our town going to be used by this community. It is going to impact us greatly and if you are going to have sixty to seventy homes added to this town, you are going to have to do something, the town is going to have to do something about the school system because I don't know if any of you have been in the classrooms, I have, and I know how crowded they can get, and I think you, some of you should visit before you make your decision. Visit some of the schools in the town, especially elementary. It is tight quarters some time and with this many families coming into town, there are going to be some major problems. Also with the police and fire, so please, think about this and limit the number of new homes being built in this town. Also, again the wetlands are not, you have to be careful with a wetland area and the pool. I live in an area where there was a stream once that was put underground, and it, there was fill put into the stream, and it was very interesting to see what my backyard looked like sometimes, and some of my neighbors back yards looked like, and it is not a nice thing to look at. I won't go into detail, you have to keep filling in the grass, filling in the soil, so as a homeowner, it's not a good thing. Again, I do not want to see new homes being built in our town. Thank you and have a good evening again.

Chairman Pruet: Thank you. Anyone else wishing to speak?

Allison Clarke, 420 Cypress Road, Newington: Just want to piggy back off of her, I'm wondering if there has been any thought given to a physical impact study or a traffic impact study done specific to this community. I'm told that that is something given to you after you have voted, but I don't see how you can make a decision on something as important as this or answer to the citizens about what all of these costs are going to be. I know that the Eddy Farm study for instance said that there was like 1.5 kids for a household, the other study done for Toll Brothers said it was .38 students, but that was for two and three bedroom condos, we're talking a development now of three or four bedroom homes. I think there are going to be significantly more children and more cars. I just think it would put us all at ease if we had those types of study, and you could answer our questions. I don't see how you can

answer our questions without any reliable studies done, or information. I think that would help us all. Thank you.

Chairman Pruett: Thank you. Regarding the schools, we can't deny applications because of students but we can consider economic regards to that.

Gail Bedrako, Isabelle Terrace, Newington: I just wanted to echo something of concern that Rich indicated. I live in the Brentwood area, and before this is approved, I don't see how a rock trap ridge can be a buffer to storm water and drainage. I just don't get it, so can the town do some kind of an evaluation or analysis on the drainage systems in place already in those older neighborhoods which have not been upgraded in forty, fifty, sixty years. I think it has to be done before this project goes through. Thank you.

Mike Mowchen, 5 Deepwood Drive, Newington: I'm really concerned about the drainage. That middle green line. I grew up in Newington, I've been here fifty-six, fifty-seven years, I spent a lot of time on that mountain when I was a kid. That middle wetland does feed into underground water ways and everyone on Deepwood Drive has sump pumps. Most of us have sump pumps now. Most of those houses were built on a very wet land at the time, we get all the drainage from the mountain. That barrier doesn't stop anything. You can drive down Mountain Road, there is a river that runs right under that road, that is fed by that wetlands as well, so you can take a look at it. I would encourage the committee, and I know that you are concerned about the drainage, take a look at that, because that is very critical to our neighborhood. Thank you.

Holly Harlow, 11 Edmund St., Newington: The speakers before me did a really good job at articulating some of the concerns that I feel as well, but I feel it is just important to take every opportunity to voice my opposition to this development. A portion of my own specifics have to do with the wetland issue that isn't part of this Commission's responsibility, but it is, and I just want to say that this doesn't feel like a mutually beneficial arrangement to me, it kind of feels like some kind of a bad consequence or punishment that we have to endure. With all of the opposition, the number of people here regularly voicing no support for a development of fifty-four more houses and (inaudible) to the wetlands and destruction of wildlife, it's pretty emotional, it's subjective I'm sure but it's my right to say at a public hearing. Thanks very much.

Rose Lyons, 46 Elton Drive, Newington: To be quite honest, I was out in the hall talking with some people while the presentation was being made, but I was here to hear the comments regarding the concerns about the drainage and I think it was Rick Spring that mentioned something about the drainage coming down to the Dowd Street area which caught my attention, because right now, at the corner of Dowd and Main Street up until probably six months ago, or a year ago, every time there was a heavy rain, there was flooding and at the urging of the owners of the B & B Automotive, I think that some town officials were contacted as well as the MDC, or whoever the powers may be, and they had to go in and clean out those drains down there. There hasn't been as much flooding, but I don't have any contact with the gentleman who has charge of the Army Corps of Engineers that came through back in the eighties, I went down and I watched what they were doing when they dredged Piper Brook and Mill Brook, and they stopped at a certain point because they didn't have enough money to go further. I would like to see some studies, and I know that this isn't your job, but it is in a way because we are concerned about where that water is going to go. Twenty years ago, or fifteen years ago, when they went in with the Army Corps of Engineers and dredged that area, they said we would never have a flood again at the corner of Main and Dowd. That is not true. I'm just voicing my concerns along with the others that someone look into what is going to be the effect, not only on Deepwood, Dogwood, all that area, but on the other side of

Main Street as well, and I think that Gail, as well as myself and other could ask that, even though you are separate entities, the Conservation, Wetlands, the TPZ, the Town Council and you all make separate decisions regarding different issues, that you talk to one another and share your information, share your thoughts, look at what other people are looking at, don't just take this as one application, look at what everybody else is doing and the other questions that are being asked. I know Conservation Commission isn't on NCTV and from what I understand from Myra the minutes aren't the greatest, but I think you can talk to the Commissioners on Conservation and see what their thoughts are on this, and the Town Council as well. Thank you.

David Tatum, 29 Camp Avenue, Newington: Thanks again for your time and your patience with us. I understand one of the main components of your decision is whether or not a development is suitable for the land that is being discussed. In my opinion, this development is not suitable for this land. I'm very happy to hear the Commissioner's questions about tree plan, most of these developments look exactly like that, a big flat clear cut and then a couple of little bushes here and there so I really appreciate that attention be paid to that. We're talking about the difficulty in addressing the slope issues, the need for five detention ponds, again, if it was suitable for this development we wouldn't need five detention ponds. Traffic, traffic is going to be a nightmare, no two ways about it. What about the dust and the chemical things that come from the Balf Quarry. I have no scientific evidence but I have heard people say that there is the asphalt plant there (inaudible) and other chemicals and when the wind blows in a certain direction, there is all sort of horrible odors coming from there. I'm hoping that is something you consider, will those waft over into the houses up along the ridge. I don't personally know, but it is something that someone mentioned to me and I felt it was worth mentioning here. The backyards slope into the wetlands, that certainly is going to be an issue. I certainly am not going to rely on a home owners association to try to encourage some kind of a lawn care thing. Also that the home owners association would be responsible for maintaining the hydrodynamic separators, can we really rely on that? Once their effectiveness decreases over the years then all of that flow is going to loose their effectiveness. Also in terms of the economic impact, tax revenue from commercial development is down, as we all know, now the residential is going to be picking up more of the bill. A development like this is only going to add to the cost in terms of schools which has been mentioned repeatedly. I do question the numbers of the average number of children in a three to four bedroom community, I believe the average would be more than one per household. Plus again with the other services, town services required that has been mentioned. Class sizes are already going up, we are already losing teachers and support staff, and that's with increases as we are going now, it's only going to get more difficult as we add more developments. The town simply can't afford any more residential development. So I would please ask you to deny this request. Thank you.

Chairman Pruet: Further comments? We are going to be discussing this for quite a while. At this time, the petitioner has five minutes to rebut.

Tom Regan: Since we are in the process of developing our (inaudible) plan that we are going to give to the Commission, I think some of this stuff will be answered as part of that, but Ray will answer some of the questions.

Ray Gradwell: Once again, Ray Gradwell, BL Companies, 355 Research Parkway, Meriden Connecticut. There was a couple questions that I can answer today based on discussions with town and staff and engineering department with regards to the hydrodynamic separators, the pipe systems, the maintenance of those items, from what I understand in discussion with Anthony Ferraro, the town engineer, those would be maintained by the town, whereas the town itself would be the HOA. So, the gentleman who mentioned that the HOA would take

care of the hydrodynamic separators I believe is incorrect. In discussion with the Town Engineer all the hard systems, the pipe systems, the best management practices within the roads, the catch basins, will be maintained by the town.

With regards to the application requirements a traffic study was required as part of this application and that was submitted for the record. I think there was discussion of that being lacking as part of the application, it's not lacking, it was submitted as part of the application.

Tom Regan: Furthermore it actually overestimates because it was based on our original lot projection of 71 and we have already dropped it down to 64, so if anything the original traffic study overestimates the traffic for the lots showing on the revised plan. I think that's it for now, and we'll be back to town staff with more details on this plan and also more detailed wetlands and drainage calculations prior to the next meeting.

Chairman Pruet: Comments by the opposition, limited to five minutes.

David Tatum, 29 Camp Avenue, Newington: I just want to say thank you for the clarification, I do want to be sure that we all have our facts straight, but that is what we were told last night at the Conservation Commission. That, that would be the responsibility of the home owners association. On one hand I'm glad to hear that it's not, on the other hand, it's the responsibility of the town, yet another strain on town services. The traffic study, again, not being a traffic engineer, I'm having a hard time, but if you look at the numbers, they simply don't make sense. You estimate what was it, one or less than one car in a rush hour commute? Four bedroom houses with one car, how many people live in four bedroom houses and only have one car go out once a day? I just can't swallow that, sorry.

Chairman Pruet: Other opposition?

Bruce Winchell, 48 Tinsmith Crossing, Wethersfield: Hi, thank you for still being here. I just wanted to bring up some points. I was at the Conservation Commission meeting last night and there was more in depth talk about the hydrostatic separators and what not, and also the water booster station which is going to be taken away from the hillside over in Newington and now it's going to go up into the northeast section of the plan which is also going to abut Russell Road. My concern is how tall is that going to be, how large, is it going to be an eyesore to you know Wethersfield residents in the Crossings, right across the street. There were three detention ponds, I think more so detention basins, there are going to be three paralleling Russell Road from what indication we were given last night. Are those going to be chain link fenced cased in, so you know, any debris, plus that twenty percent of the water that is not going to be filtered, are toxic wastes going to go into those detention basins, and my concern is also on the traffic, if you notice on that schematic that they have up there, that plan, there is only one road in and one road out and I guess Mr. Gillespie, Peter Gillespie, from our Wethersfield had indicated that that would be a traffic issue because that is going to come out just about where Arrow Road is, and that's going to create a major traffic issue, especially with what was also proposed with the reconfiguration of the traffic, so my concern is everybody that is coming out of there. It is a statistic that one residential home actually on the average it makes ten to thirteen trips per household per day, multiplied by the amount of cars and in a three to four bedroom home, you might want to consider that as well. So, I just put that out to you, also as a resident from Wethersfield here tonight, and I appreciate the fact that Toll is going to be concurring with them as well, and make sure that you let them know that you are shifting everything downhill, over toward Wethersfield and something has to drain somewhere. Thank you.

Chairman Pruet: Further opposition remarks?

Joe Blais, 97 Reservoir Road, Newington: I appreciate you people taking all of this time and listening to all of the comments that the people have. My question is, those retention ponds, are those metered up to a, or are the basins metered out into the retention ponds?

Chairman Pruet: We'll have that addressed.

Joe Blais: Okay.

Chairman Pruet: That concludes our opposition remarks for tonight. Again, we have several, we have a lot more questions and concerns on this, and they will be addressed in coming meetings.

Commissioner Pane: Mr. Chairman, I have a couple of questions. Concerning drainage, usually it's common engineering practice for the developer to design a project with zero runoff for X amount of storm, ten year, twenty year, hundred year storm. Could you, could the developer, could the applicant please explain some of this procedure so that some of the public would understand that please?

Ray Gradwell: Mr. Commissioner, I can explain drainage in detail. We take drainage very, very seriously and understand that the Town of Newington takes drainage very, very seriously by having their own drainage manual. Most towns and communities don't have those things. I worked in many towns in the State of Connecticut and a lot of them don't have manuals as detailed as the one your Town Engineer has the ability to reference and implement and for us to follow during our design. We followed those guidelines, those recommendations by the Town Engineer with respect to the drainage designs for the five detention ponds within the project site. Metering the discharges, pre-development and post development, metering the equivalent or less for the proposed development. I think our numbers show decreases to peak discharges for all of the storms, so we are actually reducing discharges leaving the site for all of the storms. That said, with regards to the removal of eighty percent of the removal, that is the minimum required for the State of Connecticut Department of Environmental Protection, minimum eighty percent. This development will exceed that significantly. The separators, chambers, those are a minimum of eighty percent. You add the other best practices, such as catch basin hoods, sweeping, deep sumps, those are all part of the treatment train. So you start with eighty percent, you add ten percent for a hood, we add another twenty percent for something, you increase the efficiency rate down the train. So that is the minimum requirement for the State of Connecticut. We have always exceeded that, and with the project and the requirements of the Town of Newington that they are holding us to.

Commissioner Pane: Thank you. I have a couple of others that you might be able to answer. Some of the public spoke about drainage problems, downstream, that area there, does any of that development drain towards that wetlands or that water course area there?

Ray Gradwell: Mr. Pane, yes. This area of the development, this small area, the high point in the road right here, will drain to this storm water pond, detention pond, this area of the development will drain to this pond. That pond drains to this wetland, which drains north. This pond drains to this wetland which eventually spills over into this wetland and flows north.

Commissioner Pane: Okay. And you are showing a decrease after the development, correct?



Ray Gradwell: Correct. Our discharges leaving these areas into our point of study which I believe that we chose this point because this is the most significant point in the drainage basin decreased.

Commissioner Pane: My next question would be it is probably possible that some of the problems downstream, well, it's obviously an existing problem and I'm wondering, I don't expect an answer tonight, but I'm wondering if there is anything the applicant can do to that water course area there to retain that water a little bit, to slow it down, to improve the drainage downstream and if you could look into that for our next meeting, I'd greatly appreciate it.

Ray Gradwell: We can look into increasing volumes to attenuate further those peak discharges.

Commissioner Pane: Thank you. The only other comment that I have is after some of the public hearings people were very concerned with the type of work that Toll Brothers did, so I want to just say for the record that I was compelled to drive over to the drive-in theater development that Toll Brothers did just recently. Just for the record, I was very impressed. All granite curbing, beautifully landscaped, a lot of roof lines, architectural shingles, it looked very nice, it was well maintained, I did see one person outside, I asked him if he was enjoying it there, he was very happy. I know that is probably not the story with everybody that buys from Toll Brothers, but I just want to get that on the record. Thank you very much, Mr. Chairman.

Chairman Pruet: Thank you. If I could just ask Ray here one concern. On the retention ponds, safety issue was brought up, would there be fencing or how would you.....

Ray Gradwell: We have proposed fencing around the ponds of course, and closed gates for maintenance access around those ponds that the HOA would (inaudible).

Chairman Pruet: Thank you. That concludes this portion of the petition, 12-11 and 13-11.

III. **PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speaker limited to two minutes.)

None

IV. **MINUTES**

June 8, 2011 – Regular Meeting

Commissioner Pane moved to accept the minutes of the June 8, 2011 regular meeting. The motion was seconded by Commissioner Anest. The vote was in favor of the motion, with five voting YES and two abstentions. (Camerota, Schatz)

V. **COMMUNICATIONS AND REPORTS**

None

VI. **NEW BUSINESS**

None

**VII. OLD BUSINESS**

None

**VIII. PETITIONS FOR SCHEDULING (TPZ July 13, 2011 and July 27, 2011.)**

- A. Petition 16-11 – 2553 Berlin Turnpike, Holiday Inn Express site, Newington Hotel Partners, LLC owner, Arnco Sign Company, Inc. 1133 Broad Street Wallingford, CT 06492, attention Marc Cohen request for Special Exception Section 6.2.4 pylon sign, B-BT Zone District. Schedule for Public Hearing July 13, 2011.
- B. Petition 18-11 – 18 Cedar Street Hayes Properties LLC owner, Newington Center Spirit Shop LLC applicant, contact Richard P. Hayes, Jr. 1481 Pleasant Valley Road Manchester, CT request for Special Permit Section 6.6 Liquor sale and waiver of separation from church Section 6.6.3 B-TC Zone District. Schedule for Public Hearing, July 13, 2011.

Ed Meehan: There are two petitions that have been on the sidelines since early May and we are coming up on their sixty-five day public hearing schedule. The last meeting the Commission asked to hold them over to July 13<sup>th</sup>, beyond that, we would need extensions, so I recommend that you put these up for public hearing. There is also a petition that came in just yesterday for also a liquor permit on the Berlin Turnpike, but that can get in line behind these other ones. Do you want to put these on?

Chairman Pruet: Yeah, go ahead, put them on the schedule.

**IX. REMARKS BY COMMISSIONERS**

Commissioner Pane: The Town Council at their last meeting they voted to do an appraisal of the property, even though I believe the staff and the Town Manager recommended not to do it at this time. I proposal that this board, this body, TPZ, talk about it briefly and I think it was inappropriate and I think that they need to wait. An appraisal at this time is a waste of \$15,000.00 and I think that a letter from this board should go to the Town Council explaining with reasons and asking them to put a hold on it until after we come to a decision on these two pieces of property. After that, if they feel that it is appropriate, then they can do it after we come to a decision on these two parcels.

Chairman Pruet: Okay, comments on Commissioner Pane's remarks....

Commissioner Lenares: Commissioner Pane, I'm a little ignorant on this, could you just tell me why, you might be one hundred percent right, but I don't know why.....

Commissioner Pane: Well, the appraisal would have no value yet until this Commission decides how the property is going to get developed, whether or not one piece could get fifty lots, twenty lots, a hundred lots, so you can't determine the value of it until this Commission decides what is appropriate for the particular property, and that goes for the other property too, so if you appraise something prematurely would be a waste of the fifteen thousand dollars. They would have to do another appraisal later. Now this isn't just me saying this, I believe that the staff, town staff informed the Town Council and unfortunately we only had one councilor that voted against it. I give Councilor Meg Casasanta a lot of credit because she voted no against this because she said that it should wait until after this Commission comes to a decision on these applications. So I feel that it was politically motivated and I think our board should put a stop to it.

Commissioner Anest: I respectfully request an attorney come in, a land use attorney as to if this is appropriate. I think we are going by the advice of the Town Planner and the Town Manager and no one has gotten a legal opinion if it is going to have an influence on our decision. I don't have (inaudible) or not, and I think that is what we need.

Chairman Pruet: I'd be interested in comments from the other Commission members.

Commissioner Hall: I don't know that I would feel that comfortable with having the TPZ tell the Town Council what it should or shouldn't do, at the moment. I certainly don't want to make it sound as if we have any agenda of our own, so to speak. Again, I would rather get going on the discussion of what is before us, without getting involved in something that the Town Council may or may not do. I just, I don't want to get involved in their business, and honestly, I don't want them petitioning us as to how we are going to vote, or how we are going to do anything, on our end. I think at this point we need to get started on our discussion of this entire matter and I don't feel comfortable telling the Town Council at this time what they should or should not do.

Commissioner Camerota: I agree with Commissioner Hall. I don't think whether (inaudible) I don't think it would impact our decision one way or the other whether there is an appraisal. I don't agree with Commissioner Pane's comments that if it is done now, then we approve it, or not, then they would do it again, I'm not sure that that is the way that it works, but I don't think that is either here nor there. If the Council is going to do that, it has no bearing on our decision here.

Chairman Pruet: I understand where you are coming from but I have a tendency to agree that our business is our business and their business is their business. If they are going to make that type of a decision based on whatever and they expend that money, and I feel that sending a letter telling them what they should or should not do, I think they should know what they should do through their own discussion.

Commissioner Lenares: Just to clarify my question to Commissioner Pane. I mean, I don't think like everyone said, that it is our job to tell the Council what to do. I'm not sure that would be burdensome on us, but I agree with Commissioner Pane. If we don't know what the total use is of that, why would we try to get an appraisal, but that is not for this body to discuss, but I didn't understand your question at first Commissioner Pane until you explained and now I understand, and I almost agree with you, but I understand what the rest of the Commission, not wanting to step on the Council's toes and try to tell them what to do but I agree, if you don't know what value you are going to appraise it for, then how can you appraise it at all.

Commissioner Pane: Mr. Chairman, we're really not stepping on their toes, it's a letter to them and naturally you know the Town Council, they are going to do whatever they want to do. After all, they just did this to appease the voters, okay, because it's election time, and you all know it, so why don't you just step up to the plate and say what it is.

Chairman Pruet: Any further discussion on this? The consensus seems to be that we are not going to forward a letter from the Commission. If anyone wants to go there alone and express their opinion, then that is entirely up to them. Further comments from the Commissioners?

Commissioner Hall: I have just one. Can we, before the next meeting, look in the air conditioning in this place? I'm usually not cold, but I'm blue. If we could possibly check it out? Thank you.

Chairman Pruett: I think it's by design to keep everyone.....

**X. STAFF REPORT**

None

**XI. PUBLIC PARTICIPATION**  
(For items not listed on agenda)

Ed Horn, Crestview Drive: I just would like to put my two cents in, maybe that Commissioner Pane's point about writing a letter, maybe that should help you decide that since commercial property is appraised less than residential property and the town wants to buy it, maybe in the back of your head, that might help you decide on a decision as to changing the zone.

Rose Lyons, 46 Elton Drive, Newington: First of all, with all due respect to Commissioner Pane, I think it was you that mentioned to the people at the last meeting that the Town Council held the purse strings. I think that is why they went. I was at that meeting. I know that they approved fifteen thousand dollars but I didn't hear anything, I could be mistaken, about when they were going to spend that money, they didn't say that they were going to do it before you made your decision. They didn't say they were going to do it after you made your decision. Just a comment. Commissioner Hall, let me tell you something about this air conditioning. I asked during the budget hearings that the custodian shut the air conditioning down, well, he shut it off. You know that there is a lot of hot air in this place to begin with, and you can ask Commissioner Lenares, you were a little warm a couple of times in here.

Commissioner Lenares: The last time.

Rose Lyons: The last time. So, how you control it, if you find the answer please let me know. I come layered, but anyway, as to items not listed on the agenda. Once again, I know you hate the word, signs, but I'm starting to see signs around town, queen size mattress for sale, that's on the empty property where Ron's Automotive used to be. There's other signs around town for tag sales, and I'm sorry guys, Cedar Mountain signs, I love them, but once it's over, can we get those down off the telephone poles too? I know that you are working on blight ordinances, and I don't know where the signs fall into but I would hope that there is some way that our Zoning Enforcement Officer even if he goes and picks up those signs and calls the people that are selling those queen size mattresses, and tell them that we don't want their mattresses here in town. Thank you.

Chris Dubey, 20 Mill Street Extension, Newington: I just wanted to comment on the issue of the fifteen thousand dollar appraisal. I can't see your name over there, but the blonde woman, she had said something about getting consultation from a lawyer, and I think that is a good idea and maybe a lawyer would say something, because I'm not sure whether the appraisal is a good idea or not, but I think a consultation would be a good idea.

Ryan Jordan, 22 Burwood Road, Wethersfield: I'm sorry Mr. Pane I don't know about this, but could you just reiterate in a nutshell what you said about, your thoughts on the appraisal and how it's being done?

Commissioner Pane: The appraisal. The appraisal at this present time serves no purpose because we are in the middle of the applications and you can't determine the value of the property until this board determines the use of it, the property, whether or not it is commercial, whether or not it's residential, whether or not twenty homes, sixty homes, eighty homes, so why waste fifteen thousand dollars of the town's money now, just to appease the

voters and the people to have them come out and say, oh, we're trying. Well, since 1995 we, the TPZ has been trying to save the mountain. The Town Council has been aware of it. But it hasn't been on the top of their priority list. That's why I sent the people to the Town Council. They, the Town Council all of a sudden acts, oh, yeah, we're going to try to do whatever we can to help, well, how come they didn't do anything for the last sixteen years? They lost a five hundred thousand dollar grant on the project, so the reason that I sent the people over to the Town Council was to hold the Town Council's feet to the fire.

Ryan Jordan: Doesn't any appraisal take into account any homes that would be built, or any sort of commercial or residential specific.....

Commissioner Pane: The appraisal won't take into account until they know what can be developed on the property, and right now, it's unclear on what can be developed, so that is the reason that why you shouldn't do an appraisal yet, and I believe the Town Council was advised not to do anything. Act impartial, and not do anything. This board has to be impartial. I'm not sure if I'm for the commercial or the residential, or anything right now, but the Council should have been impartial, they shouldn't advise, they have to be careful on what they have to say, and they shouldn't have gone out for an appraisal and I believe that they only went for the appraisal to look good to you people out here.

Ryan Jordan: Thank you.

Bruce Winchell, 48 Tinsmith Crossing, Wethersfield: I've been at most of these meetings and Commissioner Pane, you know, your unsolicited remarks about the quality of Toll, nobody asked you to come up with that. And plus, at every one of the meetings that the public has asked, you have said, go to the Town Council, they hold the purse strings. I believe that is one of your quotes. Now you are saying, hold their feet to the fire, you all live in the same town, you've had numerous people from the public come up here and express to you their desire to save the mountain, and possibly an appraisal at the start of this is going to be a motivating factor in maybe starting a referendum to create interest in the town to get monies from the feds, the state, and you know, maybe I'm all wet, I don't know, but the thing is, I see a concerted effort by your townspeople to want to save the mountain and you know, you've talked about the rudeness of the group, you've come out with these negative statements about the people of this town, and I don't live here, I live in Wethersfield, but I'm concerned about all of the traffic and everything that is going to be affected by this, and that's why I have been devoting a lot of time to this, and I hear somebody that is as outspoken as much as you are, as far as the Toll Company, going and seeing what they are doing. I know people who live there who aren't really pleased with the quality of what Toll has, okay. You take a walk, and, or a ride up there and you look at traffic, and you've got it all figured it, and the thing of it is sir, if you are supposed to be basically on the council, I would stress to you that you be a little bit more non-biased. Thank you.

Commissioner Pane: Mr. Chairman, I'd like to address this just briefly. It's our job as Commissioners to investigate and do things on our own, and to look at projects, okay, so that is part of our job, okay, I'm not saying that, and I never said that all the, everything was perfect over there, or everybody was pleased with it, all I did was make the comment, and it is all our jobs to check everything out to the best of our ability, along with the information that we gather, not come up, but stay as impartial as possible until all of the information has come in, and that is what I have tried to do. Thank you.

Chairman Pruet: Okay, thank you.

David Tatum, 29 Camp Avenue, Newington: I'm sorry, I'll be real brief. I just want to make a point. I believe the move by the Council was the appraisal of the Balf property only and not the Marcap property. That was made very clear at the Council meeting, that it was for the Balf property only, which has no bearing on the commercial or residential zoning change in front of this commission. The appraisal of the other Balf property, the appraisal is based on the best use of the land. You can't say this is what is going to happen, and then appraise it, that's not how appraisals work, so again, it doesn't have bearing. Again, whether or not they should have done it, why they did it, I'm not going to try to speculate, that's fine. But, if they are talking about the Balf property, then the zone change is irreverent in that conversation. I know that you guys have to be impartial, and I know that it is tough, and I appreciate that. I don't think the Council should be impartial. They need to take a stand on what they feel is right for the community.

Chairman Pruett: Thank you.

**XII. CLOSING REMARKS BY CHAIRMAN**

None.

**XIII. ADJOURNMENT**

Commissioner Camerota moved to adjourn the meeting. The motion was seconded by Commissioner Casasanta. The meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Norine Addis,  
Recording Secretary